

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)

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

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

Streamlined Annual PHA Plan

for Fiscal Year: 2008

PHA Name: MUNICIPALITY OF DORADO

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: MUNICIPALITY OF DORADO **PHA Number:** RQ015

PHA Fiscal Year Beginning: (07/2008)

PHA Programs Administered:

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

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: MARIA I MOLINA Phone: 787-795-1230
TDD: Email (if available): sec8dor@yahoo.es

Public Access to Information

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

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

Display Locations For PHA Plans and Supporting Documents

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

If yes, select all that apply:

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

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

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

Streamlined 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
- 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.
- 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:

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

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

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

Resident Advisory Board Consultation and Letters.

Announcement copy

Progress in meeting Five Year mission and goals

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):

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

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

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

2. Program Description:

a. Size of Program

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

If the answer to the question above was yes, what is the maximum number of participants this fiscal year? 10

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: (Commonwealth of Puerto Rico)

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

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

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

Share information on Federal Programs, including NOFA's deadlines and other important data related to federal funds.

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

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

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	<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
X	<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
	<i>Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.</i>	5 Year and standard Annual Plans
X	Fair Housing Documentation Supporting Fair Housing Certifications: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
X	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA’s public housing and Section 8 tenant-based waiting lists.	Annual Plan: Housing Needs
	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
	Deconcentration Income Analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. <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
X	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. <input 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-

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
		Sufficiency
X	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
	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
X	Section 8 informal review and hearing procedures. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The 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
X	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
X	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

Capital Fund Program Five-Year Action Plan					
Part I: Summary					
PHA Name				<input type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2	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

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

**Streamlined PHA Plan
PHA Certifications of Compliance**

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

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:
Board Resolution to Accompany the Streamlined Annual PHA Plan**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the streamlined Annual PHA Plan for PHA fiscal year beginning 2008. Resolutions referred to in the Streamlined Annual Plan, of which this document is a part and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of the Streamlined Plan and implementation thereof:

1. The streamlined Annual Plan is consistent with the applicable comprehensive housing affordability strategy for any streamlined Plan incorporating such strategy for the jurisdiction in which the PHA is located.
2. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, and provided this Board an opportunity to review and comment on any program and policy changes since submission of the last Annual Plan.
3. The PHA made the proposed streamlined Annual Plan, including policy and program revisions since submission of the last Annual Plan, and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and advertised a hearing to discuss the streamlined Plan and invited public comment.
4. The PHA will carry out the streamlined Annual Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 201 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.
5. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to the housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdictions initiatives to affirmatively further fair housing that require the PHA's involvement and initiation records reflecting these analyses and actions.
6. For streamlined Annual Plans that include a policy on change in policy-based waiting lists:
 - The PHA regularly submits required data to HUD's MDCs in an accurate, complete and timely manner (as specified in PHA Notice 99-2).
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site.
 - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD.
 - The PHA shall take reasonable measures to ensure that such waiting list is consistent with affirmatively furthering fair housing.
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as mandated by 24 CFR part 903.2(b)(3).
7. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
8. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
9. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, employment opportunities for Low or Very Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
10. The PHA has submitted with the streamlined Plan a certification with regard to a drug-free workplace required by 24 CFR Part 54, Subpart F.
11. The PHA has submitted with the streamlined Plan a certification with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 26.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide HUD or its responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD certified wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.29 and facilitate an effective audit to determine compliance with program requirements.

17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
 18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments).
 19. The PHA will undertake only activities and programs covered by the streamlined Annual Plan in a manner consistent with its streamlined Annual Plan and will utilize federal grant funds only for activities that are approvable under the regulations and included in its streamlined Plan.
 20. All certifications and attachments (if any) to the streamlined Plan have been and will continue to be available at all times and all locations that the PHA streamlined Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the streamlined Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its streamlined Annual Plan and will continue to be made available at least at the primary business office of the PHA.
 21. The PHA certifies that the following policies, programs, and plan components have been revised since submission of its last Annual PHA Plan (check all policies, programs, and components that have been changed):

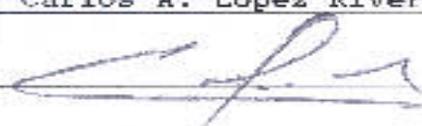
- 903.7a Housing Needs
- 903.7b Eligibility, Section, and Admissions Policies
- 903.7c Financial Resources
- 903.7d Rent Determination Policies
- 903.7e Demolition and Disposition
- 903.7f Homeownership Programs
- 903.7g Additional Information
 - A. Progress in meeting 5-year assisted and goals
 - B. Criteria for substantial deviation and significant amendments
 - C. Other information requested by HUD
 - 1. Resident Advisory Board consultation process
 - 2. Membership of Resident Advisory Board
 - 3. Resident membership on PHA governing board

22. The PHA provides assurance as part of this certification regarding its streamlined annual PHA Plan that:
 (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 (ii) The changes were duly approved by the PHA board of directors (or similar governing body); and
 (iii) The revised policies and programs are available for review and inspection at the primary office of the PHA during normal business hours.

Municipality of Dorado PHA Name BO-015 PHA Number

Streamlined Annual PHA Plan for Fiscal Year: 2008

I hereby certify that all the information herein, as well as any information provided in the accompanying herewith, is true and accurate. Warning: HUD will review this information and documents. A document may be subject to removal and/or revocation. HUD-50076-004, (03/12/07), (11/15/07), (11/15/07), (11/15/07), (11/15/07)

Name of Authorized Official	Title
Hon. Carlos A. López Rivera	Mayor
Signature	Date
	03/18/2008

Certification for a Drug-Free Workplace

U.S. Department of Housing
and Urban Development

Application Number:

MUNICIPALITY OF DORADO

Drug-Free Workplace Research Demonstration Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going, drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.

d. Notifying the employee in the statement required by paragraph a that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a, b, c, f.

3. Sites for Work Performance. The Applicant shall list (on separate pages) the sites for the performance of work done in connection with the HUD funding of the program/activity shown above. Place of Performance shall include the street address, city, county, state, and zip code. Identify each site with the Applicant's name and address and the program/activity receiving grant funding.

Check here if there are workplaces on site that are not certifiable for the attached award.

I hereby certify that all the information stated herein, as well as any other information provided in the accompanying herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.

(18 U.S.C. 1001 - (1)(A), (2); 31 U.S.C. 3/28 - 3002)

Name of Authorized Official

Title

Hon. Carlos A. López Rivera

Mayor

Signature

Date

03/18/2008

X

Form HUD-50070 (5/03)
HHS-441336-04117-1-7478-10-7185-1-3.3

Certification of Payments to Influence Federal Transactions

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

Agency Name

MUNICIPALITY OF DORADO

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L, Disclosing Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$3,330 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompanying, herewith, letters and accounts.

Warning: HUD will prosecute false claims and statements. Civil penalties result in monetary civil penalties.
119 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802

Name of Authorized Official

Title

Hon. Carlos A. López Rivera

Mayor

(Signature)

Date (mm/dd/yyyy)



03/18/2008

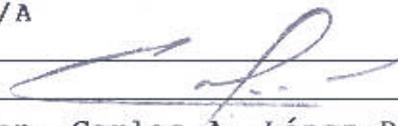
Print name in full on separate

Form HUD 50071 (3/99)
rel. Handbook 417.1-447.10-485.1 & 485.3

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

Approved by OMB
0348-0046

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: _____ Municipality of Dorado Congressional District, if known: 4c		5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: <p style="text-align: center;">N/A</p> Congressional District, if known: _____
6. Federal Department/Agency: U.S. Department of Housing and Urban Development	7. Federal Program Name/Description: Housing Choice Voucher Program CFDA Number, if applicable: _____	
8. Federal Action Number, if known: Unknown	9. Award Amount, if known: \$ N/A	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): <p style="text-align: center;">N/A</p>	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): <p style="text-align: center;">N/A</p>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the user above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature:  Print Name: <u>Hon. Carlos A. López Rivera</u> Title: <u>Mayor</u> Telephone No.: _____ Date: <u>03/18/08</u>	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

RESIDENT ADVISORY BOARD CONSULTATION

BEFORE THE PUBLIC HEARING.

The participants asked general questions regarding the Program Politics.

Due to the fact that the questions were answered and the plan was revised, the board encloses the publication of the ad announcing the Public Hearing and Review of the Plan on the meeting the following matters were also discussed:

1. Waiting List Preferences
2. Home Ownership Program
3. Section 8 Budget
4. Hearing Procedures
5. **Income Verification requirements**

AFTER THE PUBLIC HEARING

The Board and those that attended to the Public Hearing were given information regarding the PHA Annual Plan, general Section 8 policies and requirements.

The Plan was fully discussed and renewal due to the fact that all questions were answered, the participants advisory board enclosed the plan.



26 de febrero de 2008

Sra. María I. Molina Lorenzana
Directora
Departamento de Vivienda
Sección 8
Municipio de Dorado

Estimada señora Molina:

Certificamos que hemos revisado el borrador del Plan Anual de Sección 8 que administra el Municipio de Dorado. Determinamos que el mismo cumple con nuestras expectativas como participantes del programa y es por consiguiente que tiene nuestra aprobación.

Agradecemos la oportunidad que se nos ha brindado en participar en aquellas áreas del programa con el fin de mejorar el mismo.

Cordialmente,

Junta de Participantes
Programa Voucher (Sección 8)

HOJA ASISTENCIA

LISTADO DE PERSONAS QUE ASISTIERON
A LA VISTA PÚBLICA
PLAN ACCION 2008-2009 DEL PROGRAMA DE SECCION 8

4 de marzo de 2008

NOMBRE	NUMERO DE TEL
<i>[Signature]</i>	787-796-2299-518-9820
M. Cabán Bz	787 902-3998 796-3441
Mariá D. Ruiz	787 - 870 - 6342
Blanca Sierra Canacho	787 - 796-4716
Armando Ju. Alós	787 - 796-2481
Yelisse Diaz Félix	870-6342
Yolanda Martí	762-536-0991
Roberto Ruz	796-3632
Esperanza J. Morales	787 - 642-8024
Marye Sotomayor	787-644-4451
William J. Vargas Gonzalez	(787) 948-7115
Mildred Rosendo	(787) 796-2716 Head Start
Wendy Genina Mojica	787
Pedro P. P. P.	796-3226
Juanita Lopez	796-1006 457-8567
Amelia Huerto	787-3769084
Elvira Vazquez	(787) - 883-4279
Echegaray	787 - 674 - 2233
Mauricio R. Rodríguez	787-469-5958
Rafael Comelito	787-690-3705
Luzmila Muleón	787-630-41805
Artin Velez	787-796-1230
Carmen M. Salgado	

Progress in Meeting the Five Year plan mission and Goals

After correcting all findings regarding among others, the lease-up rate, and complying with the Corrective Action Plan and with the majority of SEMAP indicators, the program has been in a better position to meet the goals set for the 2008 year plan.

As of today the lease-up rate of the program is 96%. The program will keep up with the actions taken to maintain the rate above 95%.

The PHA have made and will continue to make special efforts to promote adequate and affordable housing out of high poverty areas as well as encourage economic development of the participating families. The Family Self Sufficiency Program and interagency coordinating efforts geared towards the economic development of the families are been carried on in a regular basis.

The PHA has been participating in meetings with the Mayor and other public and private sectors who are planning the development of two social interest housing projects. The SSP participating families have been represented by our office, since many of these families can become owners.

The program technicians are been trained in homeownership and will participate in a housing fair in the summer.

Customer satisfaction is high. No landlord or tenant comply have been received. Some verbal inquiries received, have been adequately solved.

**MUNICIPALITY OF DORADO
ADMINISTRATIVE PLAN**

SECTION 8

STATE

MUNICIPALITY OF DORADO

SECTION 8

ADMINISTRATIVE PLAN

**This Administrative Plan covers the current requirements
for the Section 8 Certificate and Vouchers Programs**

SECTION 8

SECTION 8

SECTION 8

**MUNICIPALITY OF DORADO
ADMINISTRATIVE PLAN**

TABLE OF CONTENT

INTRODUCTION

1. STATEMENT OF POLICIES AND OBJECTIVES

1. Goals and Objectives
2. Fair Housing Policy
3. Privacy Rights
4. Local Objective
5. Rules and Regulations
6. References

2. ORGANIZATIONAL STRUCTURE

3. OUTREACH PROCEDURES

1. Family Outreach
2. Policy on Encouraging Participation of Owners (Outreach) ✓

4. ELIGIBILITY FOR ADMISSION

1. Family Composition
2. Income Limitations
3. Mandatory Social Security Numbers
4. Other Criteria for Admission
5. Suitability of Tenant ✓
6. Changes which Occur Between Certificate/Voucher
and Effective Lease Date

ADMISSION POLICY

TOTAL

1. How to Apply
2. Procedures for Opening/Closing Waiting list ✓
3. Preapplication Procedures
4. Notification of Family Status
5. Completion of a Full Application
6. Final Determination and Notification of Eligibility ✓
7. Policy Denying Vouchers or Certificates ✓
8. Preference Denial ✓

6. POLICY ON APPLICANT SELECTION FROM THE WAITING LIST

1. Application Pool ✓
2. Waiting List Preferences
3. Preference Eligibility
4. Order of Selection
5. Procedures for Re-Opening
6. Maintaining the Waiting List
7. Updating the Waiting List
8. Finalizing the Determination
9. Offers of a Certificate or Voucher

OCCUPANCY POLICY

1. Certificate/Voucher Size Standards
2. Required Changes for Unit Size
3. Selection of Unit Size

**CONSIDERATIONS AND DETERMINATIONS OF
BENEFIT PAYMENT**

1. Definition of Temporarily Absent
2. Averaging Income
3. Minimum Income
4. Temporarily Absent Family Member's Income
5. Income of Person Permanently Confined to Nursing Home
6. Regular Contributions and Gifts
7. Alimony and Child Support
8. Lump Sum Receipts
9. Contributions to Retirement Funds
10. Grant and Scholarships
11. Child Care
12. Medical Expense

9. VERIFICATION PROCEDURES

1. General Policy
2. Methods of Verifications
3. Release of Information
4. Items to be Verified
5. Minimum Income
6. Acceptable Terms of Verification
7. Verification of Eligibility

10. ORIENTATION TO FAMILIES AND ISSUANCE OF CERTIFICATES/VOUCHERS

1. Orientation
2. Security Deposit Requirements
3. Certificate and Voucher Issuance
4. Housing Voucher Program Regulatory Portability
5. Certificate and Voucher Statutory Portability
6. Occupancy Standards for Portability

11. LOCATING SUITABLE HOUSING

1. Responsibility for Locating Housing
2. Eligible Types of Housing
3. Request for Lease Approval and Lease

12. HOUSING QUALITY STANDARDS AND INSPECTIONS

1. General purpose
2. Acceptability Criteria and Exceptions to HQS
3. Rent Reasonableness Test
4. Clearing Deficiencies

13. HOUSING QUALITY STANDARDS COMPLAINTS

1. General Policy

2. Emergency Repair Items

14. LEASE APPROVAL AND HAP/VOUCHER CONTRACT EXECUTION

1. Documents Submitted

2. Fair Market Rent Limitations

SECTION 7 Notice to Move

6. Family Misrepresentation
7. Owner Misrepresentation
8. Change in Ownership
9. Negative Rents Tenants
19. MOVE-OUT INSPECTIONS
20. ELIMINATION OF PAYMENTS FOR OWNER CLAIMS
AND VACANCY LOSS
21. COMPLAINTS AND APPEALS
 1. General Policy
 2. Informal Review Procedures for Applicants
 3. Informal Hearing Procedures for Participants
22. MISSED APPOINTMENTS
23. REPAYMENT AGREEMENT
 1. Repayment Agreement General Conditions
 2. Violation of Family Obligation or Fraud
24. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM
 1. Initial Payment Standard
 2. Affordability Adjustments

SECTION 8 OPERATING RESERVES

SECTION I: INTRODUCTION

1. **Mission Statement:** Our goal is to provide decent, safe, and sanitary rental housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for Section 8 participants.
 - In order to achieve this mission, we will:
 - Recognize residents as our ultimate customer
 - Improve Public Housing Authority (HA) management and service delivery efforts through effective and efficient management of HA staff
 - Seek problem-solving partnerships with residents, landlords, community, and government leadership
 - Apply limited HA resources to the effective and efficient management and operation of section 8 programs.

2. **Purpose of Policy:** The purpose of this plan is to establish guidelines for the HA staff to follow in determining eligibility for the Section 8 programs. The basic guidelines for this plan is governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for local policies and procedures. The Policies and procedures governing admissions and continued occupancy are outlined in this plan and these requirements are binding upon applicants, residents, landlords and this HA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

Federal Regulations shall mean those found in Section 24 CFR (Code of Federal Regulations)

Responsibilities of the HA:

- Informing eligible families of the availability of Section 8 assistance;
- Encouraging owners to make their units available for lease by Section 8 participants;
- Determining the maximum amount of housing assistance payments that can be used for family-paid utilities; and posting the utility allowances annually;
- Receiving applications from families and determining their eligibility for assistance.
- Inspection Section 8 units to determine that they meet or exceed section 8 Housing Quality Standards;
- Approving leases;
- Making Housing Assistance Payments to owners;
- Perform annual and periodic re-examinations of income, family composition and redetermination of rent;

4. **Objectives:** The objectives of this plan are to:

1. Promote the overall goal of decent, safe and sanitary housing by using the Section 8 program to house eligible families in private rental housing; therefore, increasing the housing stock for very low-income families.
2. Improve the City's housing stock by requiring participating landlords to meet Section 8 Housing Quality Standards for their rental property.
3. Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the Section 8 program and staff.

in the letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to insure that occupancy in assisted housing is administered without regard to race, color, religion, sex, handicap, familial status and national origin.

5. The Housing and Community Development Act of 1974 reflects Congress's intent that, where possible, the nation's existing housing stock should be preserved. The Section 8 Program will allow the HA to utilize existing housing stock and allow a family who qualifies for Section 8 Assistance and lives in substandard housing to remain, if the owner brings the house up to HQS standards and the Section 8 participant decides to remain in that unit.

5. **Outreach:**

1. Outreach to Owners: The HA will encourage participation by owners of suitable units located outside areas of low income or minority concentration by distributing and communicating information concerning property owners leasing units under the Section 8 programs through the local media (newspaper, radio, television, etc.).
2. Outreach to Potential Clients: The HA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for Section 8 rental assistance. The HA shall take affirmative actions to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income, are less likely to apply for Section 8 rental assistance. The HA may hold meetings concerning the Section 8 programs with local social community agencies.

SECTION 8 FAIR HOUSING POLICY AND EQUAL OPPORTUNITY MOBILITY PLAN

1. **Fair Housing Policy:** The Fair Housing Policy of the HA to comply fully with all Federal, State, and local nondiscrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment and with the American with Disabilities Act.

Specifically, the HA shall not on the basis of race, color, religion, sex, handicap, familial status, and nation origin, deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Programs, within the requirements and regulations of HUD and other regulatory authorities. To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide access to information to Section 8 participants regarding "discrimination". Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicants/participants file.

For families and/or individuals who report apparent discrimination in obtaining assisted housing, the HA shall assist them by providing the family/individual with a HUD Housing Discrimination Complaint Form, Hud-903. The individual can complete this form and report apparent discrimination to the Birmingham HUD Office of Fair Housing and Equal Opportunity. For example, a resident may be trying to obtain other rental housing and/or is attempting to purchase a home and experiences apparent discrimination.

Organizational Structure

The Section 8 Office will have the major responsibility and authority in the implementation of the Section 8 Existing Certificate and 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 meet program goals and objectives.
- ❑ Housing Inspector - is responsible for insuring that housing units (Existing) 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 for each technical and administrative staff to perform the work required by the Section 8 Housing Certificate and Voucher Programs.

1. 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 and the 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 Existing Housing Programs.
- 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 the success of the FSS Program.
- Organize, assigns 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 (HSA Department Director) concerning progress and problems.
- Perform Quality Inspections Report of 5% of the total rented units.
- Analyze and report on current rent reasonableness.

collaborate 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

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

and generally accepted accounting standards.

Key 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 for the Section 8 Program.
- Maintain 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

Section 8 Housing Inspector

Administrative Responsibility: Report to the Section 8 Program Director.

Functional Responsibility: Is responsible for ensuring that housing units (Existing) meet Section 8 Housing Quality Standards.

Specific Duties:

- 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.

Section 8 Housing Plan: The HA is a participant in the tenant-based program and is required to comply with equal opportunity requirements imposed by contract or federal law (24 CFR 982.54). This includes applicable requirements under:

1. The fair housing act, 42 U. S. C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
 2. Title VI of the Civil Rights Act of 1964, 42 U. S. C. 2000d (implementing regulations at 24 CFR part 1);
 3. The age discrimination act of 1975, 42 U. S. C. 6101-6107 (implementing regulations at 24 CFR, part 146);
 4. Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR1253 (1980), as amended, Executive Order 12892, 59FR 2939 (1994) (implementing regulations at 24 CFR, part 107);
 5. Section 504 of the Rehabilitation Act of 1973, 29 U. S. C. 794 (implementing regulations at 24 CFR, part 8; and
 6. Title II of the American with Disabilities Act, 42 U. S. C. 12101, et seq.
3. **Equal Opportunity Posting Requirements:** There shall be maintained in the HA's office waiting room a bulletin board, which will accommodate the following posted materials:
1. Statement of Policies and Procedures Governing the Section 8 Administrative Plan
 2. Open Occupancy Notice (Applications being Accepted and/or Not Accepted)
 3. Income Limits for Admission
 4. Utility Allowances
 5. Informal Review and Hearing Procedure
 6. Fair Housing Poster

SECTION III. PRIVACY RIGHTS

Participants will be required to sign the Federal Privacy Act Statement which states under what conditions HUD will release information concerning Section 8 participants. Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations (Reference HUD Form 9886).

SECTION IV. DEFINITIONS OF TERMS

Section 24 part 5 and Section 982.4 Definitions effective from time to time are incorporated by reference as if fully set out herein. Copies of this regulation are available in the HA Office.

1. **Absorption:** In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family.
2. **Adjusted Income:** Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:

of \$480.00 for each member of the family (other than head of household or

who is:

1. who is under sixteen (17) years of age or younger, or
2. who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
3. A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) under thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).
4. A deduction of \$400.00 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.
5. A deduction for any elderly family:
 - (1) That has no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.
 - (2) That has Handicapped Assistance Expenses greater than or equal to three (3%) percent of Total Annual Family Income, an Allowance for Handicapped Assistance computed in accordance with paragraph f of this Section, plus an allowance for medical expenses that is equal to the Family's medical expenses.
 - (3) That has Handicapped Assistance Expenses that are less than three (3%) percent of Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these

... exceeds three (3%) percent of Total Annual Family Income. Expenses ... the deduction cannot be compensated for nor covered by insurance. ... for any family that is not an elderly family but has a handicapped or Disabled ... other than the head of household or spouse, Handicapped Assistance Expense ... of three (3%) percent of total Annual Family Income, but this allowance may ... not exceed the employment received by family members who are eighteen (18) years of ... age or older as a result of the Assistance to the Handicapped or Disabled person.

Child Care Expenses: Amounts anticipated to be paid by the Family for the care of ... children under 13 years of age during the period for which Annual Income is computed, ... but only where such care is necessary to enable a Family member to actively seek ... employment, be gainfully employed or to further his or her education and only to the ... extent such amounts are not reimbursed. The amount deducted shall reflect reasonable ... charges for child care, and, in the case of child care necessary to permit employment, the ... amount deducted shall not exceed the amount of income received from such employment.

The reasonable amount of charges is determined by the HA, by conducting surveys of ... local child care providers. The results are posted in the HA office(s).

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Name

Address

City

State

Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.

3. **Administrative Fee**: Fee paid by HUD to the HA for administration of the program and will include hard-to-house fees paid for moves by families with three or more minors, and extra counseling money that may be authorized by HUD.
 4. **Administrative Fee Reserve**: (formerly "operating reserve"). Account established by HA from excess administrative fee income. HA administrative fees may only be used to cover costs incurred to perform HA administrative responsibilities for the program in accordance with HUD regulations and requirements.
 5. **Administrative Plan**: The administrative plan describes HA policies for administration of the tenant-based programs. This document is the administrative plan for the HA.
 6. **Admission**: The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.
 7. **Adult**: An adult is:
 - 19 years of age or older,
 - 18 years of age and married (not common law), or
 - a person that has been relieved of the disability of non-age by the juvenile court
- Note: Only persons who are adults shall be eligible to enter into a lease agreement for occupancy**
8. **Amortization Payment**: In a manufactured home space rental, the monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Annual Contract (ACC): A written contract between HUD and an HA. Under the ACC, HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

Annual Income: Annual Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this policy. Annual income includes, but is not limited to, the following: Ref: CFR

§ 609

1. The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses);
2. Net income from the operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining Net Income). An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real

(property). All allowance for depreciation is permitted only as authorized in paragraph 3 of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has Net Family Assets in excess of \$5,000.00, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD;

4. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment;
5. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay;
6. Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that are subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - (1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus
 - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the families' welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;

and determinable allowances, such as alimony, child support payments, and (monthly) contributions gifts, including amounts received from any persons not residing in the dwelling.

8. All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.) Received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other family member whose dependents are residing in the unit (see "hazardous duty pay").

9. Payments to the head of the household for support of a minor or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support;

10. Veterans Administration compensation (Service Connected Disability or Death Benefits).

Note: If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

Participants that receive lump-sum payments that are included as income and fall in the categories listed above, must report the income to the Section 8 Coordinator as soon as possible but no later than ten (10) calendar days after receipt of the funds and the applicable portion of the payment that is due as subsidy to the HA is due fourteen (14) days after the HA notifies the family of the amount due.

Unreported Income: If a Section 8 participant fails to report changes in income, as required, the Section 8 assistance will be terminated.

11. **Applicant:** (applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.
12. **Budget Authority:** An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.
13. **Certificate:** A document issued by an HA to a family selected for the rental certificate program. The certificate describes the program, and the procedures for HA approval of a unit selected by the family. The certificate also states the obligation of the family under the program.
14. **Certificate or Voucher Holder:** A family holding a certificate or voucher with unexpired search time.
15. **Certificate Program:** Rental Certificate program.
16. **Child:** A member of the family, other than the family head or spouse, who is under 18 years of age.
17. **Child Care Expenses:** Child Care Expenses are amounts anticipated to be paid by the family

for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment. The HA will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing child care.

18. **Child Custody**: An applicant/participant family who does not have full custody of a child/children may only claim a child as a dependent by the following:
1. The applicant/participant must have primary custody of the child.
 2. The applicant/participant must provide sufficient evidence that the child would reside with the Section 8 participant.

Note: The same child cannot be claimed by more than one applicant.

19. **Citizen**: A citizen or national of the United States.
20. **Contiguous Metropolitan Statistical Area (MSA)**: In portability, and MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

21. **Continuously Assisted**: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Section 8 program.
22. **Contract Authority**: The maximum annual payment by HUD to an HA for a funding increment.
23. **Dependent**: A member of the family (except foster children **and** foster adults), other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.
24. **Disabled Person**: (See "Handicapped Person")
25. **Displaced Family**: A person, or family, 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.
26. **Domicile**: The legal residence of household head or spouse as determined in accordance with State and local law.
27. **Drug-Related Criminal Activity**: Term means:
 1. Drug-trafficking, which is: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the controlled substances act (21 U. S. C. 802), or
 2. Illegal use, or possession for personal use, of a controlled substance (as defined in Section 102 of the controlled substances act (21 U. S. C. 802)
28. **Elderly Family**: A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, or disabled, or handicapped and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person

who is determined to be essential to his or her care and well being.

29. **Elderly Person**: A person who is at least sixty-two (62) years of age.
30. **Evidence of Citizenship or Eligible Immigration Status**: The documents which must be submitted to evidence citizenship or eligible immigration status (Reference CFR 5.508 (b)).
31. **Exception Rent**: In the certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. For certificates, exception rent is approved by HUD, and is used in determining the initial contract rent. In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.
32. **Fair Market Rent (FMR)**: The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the Federal Register in accordance with 24 CFR, part 888.
33. **Familial Status**: A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons (Reference Federal Register published February 13, 1996, pages 5,662 and 5,663). In Section II "Reinventing Parts 812 and 912 of the Federal Register states:

"The April 10, 1992 proposed revisions to parts 812 and 912, which concern section 5(b) of the Fair Housing Amendments Act of 1988 (FHAA) and the treatment of single, pregnant women obtaining custody, are not included in this final rule. The statutory prohibition against housing discrimination towards such persons is sufficiently clear and enforceable. Since the percentage limit for occupancy by

single persons (which could have been used to mask instances of discrimination against persons in these protected classes) has been eliminated, it is no longer necessary to distinguish persons in the FHAA-protected classes from other single persons."

Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons and only entitled subsidy for a zero or one-bedroom family unit size.

34. **Family** - (See Below). The term "family" as used in this policy means:

1. Two or more persons related by blood, marriage, or by operation of law. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size); who live regularly together as a single household in the dwelling unit. By definition, a family must contain a competent adult of at least 19 years of age or 18 years of age and married (not common law) to enter into a contract and capable of functioning as the head of the household.

Note: If an individual is 18 and qualifies under the definition of family by being married, the head of household and the spouse must be parties to the lease. There must be some concept of family living beyond the mere sharing or intention to share housing accommodations by two or more persons to constitute them as a family within the meaning of this policy. Some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

2. An elderly family;
3. A near-elderly family;

4. A disabled family;
5. A displaced family;
6. The remaining member of a tenant family (Refer Definition No. 101); and
7. A single person who is not elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Note: Housing assistance limitation for single persons. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided (for tenant-based assistance) housing assistance for which the family unit size exceeds the one bedroom level (Ref. 982.207 Housing assistance limitation for single persons, published in the Federal Register on 2/13/96).

The rule does not prohibit a single person from residing in a larger unit (2 or more bedrooms) with the amount of subsidy for a zero or one-bedroom family unit size. The limit is on the amount of subsidy paid NOT the SIZE of the UNIT!

35. **Family Self-Sufficiency (FSS) Program:** The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services (42 U. S. c. 1437u). Reference 24 CFR, part 984.
36. **Family Share:** The portion of rent and utilities paid by the family.
37. **Family Unit Size:** The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.
38. **FMR/Exception Rent Limit:** The Section 8 Existing Housing fair market rent published by HUD Headquarters, or any exception rent. For a regular tenancy in the Certificate program, the initial rent to owner plus any utility allowance may not exceed the FMR/exception rent limit (for the selected dwelling unit or for the family unit size). For a tenancy in the voucher

program the HA may adopt a payment standard up to the FRM/exception limit. For an over-FMR tenancy in the Certificate program, the payment standard is the FMR/exception rent limit.

39. **Foster Children**: With the prior written consent of the HA, a foster child may be added as a Section 8 participant. The factors considered by the HA in determining whether or not consent is granted may include:
1. Whether the addition of a new occupant may require the issuance of a new certificate or voucher, and whether such documents are available.
 2. The Section 8 landlord's obligation to allow reasonable accommodation for handicapped persons.
40. **Full-Time Student**: A member of a family (other than the head of household or spouse) who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with diploma, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.
41. **Funding Increment**: Each commitment of budget authority by HUD to an HA under the consolidated ACC for the HA program.
42. **Gross Rent**: The sum of the rent to owner plus any utility allowance.
43. **Group Home**: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-aid).
44. **Handicapped Assistance Expense**: Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family

member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

45. **Handicapped Person and/or Disabled Person:** A person having a physical or mental impairment which:

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

Note: All three conditions must be met to qualify as handicapped.

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6001(7)), or is handicapped as defined below:

4. Section 223 of the Social Security Act defines disability as:
 - (1) "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or
 - (2) in the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in Section 416(I)1 of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
- E. Section 102(5) of the Development Disabilities Services and Facilities Construction

Amendments of 1970 defines disability as:

"A disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary (of Health and Human Resources) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual."

46. **Hazardous Duty Pay**: Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
47. **Head of Household**: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
48. **Homeless Family**: Any individual or family who:
 1. Lacks a fixed, regular, and adequate nighttime residence;
 2. Has a primary nighttime residence that is:
 - (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);
 - (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
 3. A homeless family does not include:

- (1) Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or
- (2) Any individual who is a Single Room Occupant that is not considered substandard housing as defined in 83 below.

49. **Housing Agency (HA)**: Housing Agency (formerly Public Housing Agency (PHA). PHA and HA are the same thing). A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.
50. **Housing Assistance Payment (HAP)**: The monthly assistance payment by the HA. The total assistance payment consists of:
 1. A payment to the owner for rent to owner under the family's lease.
 2. An additional payment to the family if the total assistance payment exceeds the rent to owner. In the certificate program, the additional payment is called a "utility reimbursement". The HA may elect to pay the appropriate amount directly to the utility provider.
51. **Housing Assistance Payment (HAP) Contract**: A written contract between an HA and an owner, in the form prescribed by HUD, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.
52. **Housing Quality Standards (HQS)**: The HUD minimum quality standards for housing assistance under the tenant-based programs.
53. **HUD-Housing & Urban Development**: The U.S. Department of Housing and Urban Development.
54. **HUD Requirements**: HUD requirements for the Section 8 programs. HUD requirements are

issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

35. **Income Exclusions:** Annual Income does not include such temporary, non-recurring or sporadic income as the following:

1. Temporary: Casual, sporadic, temporary, nonrecurring income, including gifts.
2. Medical Reimbursements: Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical care.
3. Lump-sum addition to family assets: Such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.

4. **Scholarships:** Full amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States government to a veteran for use in meeting the cost of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student.
5. **Relocation payments:** Made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).
6. **Food Stamps:** The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 [7 USC 2017(b)].
7. **Domestic Volunteers Service Act:** Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044(g), 5058].
8. **Income of a live-in aide:** (as defined in this policy).
9. **Job Training Partnership Act:** Payments received from the Job Training Partnership Act [29 USC 1552(b)].
10. **Hazardous Duty Pay:** For a family member in the Armed Forces away from home and exposed to hostile fire.
11. **Minor income:** Income from employment of children (including foster children) under the age of eighteen (18).
12. **Foster Care:** Payment received for the care of foster children.

~~Home~~ Energy Assistance Program: Payments or allowances made under the Department of Health and Human services Low-Income Home Energy Assistance Program [42 U.S.C. 8624(f)].

14. Grand River Band of Ottawa indians: Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
15. Older Americans Act: Payments from Programs under Title V of The Older Americans Act of 1965 [42 U.S.C. 3056 (f)].
16. HUD Training: Amounts received under training programs funded by the Department of Housing and Urban Development.
17. Plan to Attain Self-Sufficiency: Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
18. Other Publicly Assisted Programs: Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
19. Adoption Assistance Payments: Income payments received for the care of adopted children to the extent that the payments exceed \$480 per adopted child.
20. Student Financial Assistance: This exclusion exempts from annual income all amounts received from student financial assistance. Student financial assistance is interpreted broadly to include various scholarships, educational entitlements, grants, work-study programs and financial aid packages.

Limited Income of Full-Time Students: This exclusion exempts earnings in excess of \$480 for each full-time student eighteen years old or older, except for the head of household and spouse. The exemption only applies to earnings in excess of \$480 since the family already receives a \$480 deduction from income for any full-time student.

22. **Adult Foster Care Payments:** This exclusion removes from the computation of annual income payments for the care of foster adults, usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone. Currently, only payments for the care of foster children are excluded from annual income. In adding this exclusion, the Department is not requiring that housing authorities or owners permit foster adults in assisted housing.

23. **Compensation from state or local Job Training Programs and Training of Resident Management Staff:** this exclusion exempts compensation received from qualifying employment training programs and the training of resident management staff. To qualify under this exclusion, the compensation received must be a component of a state or local Employment Training program with clearly defined goals and objectives. Moreover, only the compensation received incident to the training program is excluded, (i.e., any additional income received during the training program, such as welfare benefits, will continue to be counted as income). In addition, this exclusion only covers compensation received while the resident participates in the employment training program and the duration of participation must be for a limited period determined in advance. An example of compensation which falls under this exclusion is compensation received from on-the-job training and during apprenticeship programs.

24. **Property Tax Rebates:** This provision excludes state rent credits and rebates for property taxes paid on a dwelling unit.
25. **Home Care Payments for Developmentally Disabled Children or Adult Family members:** This exclusion exempts amounts paid by a state agency to families who have developmentally disabled children or adult family members living at home. States that provide families with home care payments do so to offset the cost of services and equipment needed to keep a developmentally disabled family member at home.
26. **Deferred periodic payments:** Of supplemental security income and social security benefits that are received in a lump sum payment.
56. **Infant:** A child under the age of two years.
57. **Initial Contract Rent:** In the certificate program, the contract rent at the beginning of the initial lease term.
58. **Initial HA:** In portability, the terms refers to both:
1. An HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.
 2. An HA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing HA.
59. **Initial Lease Term:** The initial term of the assisted lease. The initial lease term must be for at least one year.
60. **Initial Payment Standard:** The payment standard at the beginning of the HAP contract term.

Initial Rent to Owner: The rent to owner at the beginning of the initial lease term.

Interim Redetermination of Rent: Changes of rent between admissions and reexaminations and the next succeeding reexamination.

63. **INS** - The U. S. Immigration and Naturalization Service.

64. **Jurisdiction:** The area in which the HA has authority under State and local law to administer the program.

65. **Lease:**

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

B. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement established the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of part 982, the cooperative is the Section 8 "owner" of the unit, and the cooperative member is the Section 8 "tenant".

66. **Lease Addendum:** In the lease between the tenant and the owner, the lease language required by HUD.

67. **Live-in-Aide:** A person who resides with an Elderly, Disabled, or handicapped person or persons and who:

- A. Is determined by the HA to be essential to the care and well-being of the person(s),
 - B. Is not obligated for support of the person(s),
 - C. Would not be living in the unit except to provide supportive services. The income of a Live-in-aide that meets these requirements is not included as income to the tenant family; and,
 - D. A Live-in-Aid must be approved, in advance, by the HA.
68. **Low-income Family**: A family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD with adjustments for smaller and larger families. (Section 982.201 (b) describes when a low-income family are income-eligible for admission to the certificate or voucher program).
69. **Medical Expense**: Those necessary medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only.
70. **Military Service**: Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Cost Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.
71. **Minimum Rent**: Families assisted under the Public Housing program pay a monthly "minimum rent" of not more than \$50.00 per month. The HA has the discretion to establish the "minimum rent" from \$0 up to \$50. The minimum rent established by this HA is \$_____.
72. **Minimum Rent Hardship Exemptions**:
- A. The HA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of

financial hardship, which shall include:

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

(1) All of the above must be proven by the Resident providing verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.

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

73. **Minor**: A "minor" is a person under nineteen years of age. Provided, that a married person 18 years of age or older shall be considered to be of the age of majority. (An unborn child may not be counted as a minor).
74. **Mixed Family**: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
75. **Monthly Adjusted Income**: One-twelfth of Adjusted Annual Income.
76. **Monthly Income**: One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as monthly income.
77. **National**: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
78. **Net Family Assets**: Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks, bonds, cash on hand, and other forms of capital investment, excluding interest in Indian trust land and excluding equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income). In determining Net Family Assets, this HA shall include the value of any business or family assets disposed of by an applicant or Tenant for less than fair market value (including a disposition in trust, but not in foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program

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

79. **Noncitizen**: A person who is neither a citizen nor national of the United States.
80. **Notice of Funding Availability (NOFA)**: For budget authority that HUD distributes by competitive process, the federal register document that invites applications for funding. The document explains how to apply for assistance and the criteria for awarding the funding.
81. **Over-FMR Tenancy**: In the Certificate program, the tenancy for which the initial gross rent exceeds the FMR/exception rent limit.
82. **Owner**: Any person or entity with the legal right to lease or sublease a unit to a participant.
83. **Participant**: A family that has been admitted to the HA program, and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family.

84. **Payment Standard**: In a voucher or over-FMR tenancy the maximum subsidy payment for a family (before deducting the family contribution). For a Voucher tenancy, the HA sets a payment standard in the range from 80 percent to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.
85. **Portability**: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.
86. **Preference**: At the option of the HA, a preference system can be used to select among applicant families.
87. **Premises**: The building or complex in which the dwelling unit is located, including common areas and grounds.
88. **Private Space**: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.
89. **Program**: The tenant-based certificate or voucher program.
90. **Project Based**: Rental assistance that is attached to the structure.
91. **Project Based Certificate Program**: Project-based assistance under 24 CFR, part 983, using funding under the consolidated ACC for the HA certificate program.
92. **Reasonable Rent**: A rent to owner that is not more than either.
- A. Rent charged for comparable units in the private unassisted market; or
 - B. Rent charged by the owner for a comparable unassisted unit in the building or premises.
93. **Receiving HA**: In portability, an HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher, and provides program assistance to the family.

94. **Recertification**: Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.
95. **Re-examination Date**: The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent.
96. **Regular Tenancy**: In the certificate program: a tenancy other than a over-FMR tenancy.
97. **Remaining Member of the Tenant Family**: The person(s) of legal age remaining in the subsidized unit after the person(s) who signed the certificate or voucher has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must have received housing subsidy under the program to which he/she claims head of household status for one year before becoming eligible for Section 8 subsidy as a remaining family member. This person must complete forms necessary for Section 8 assistance within ten calendar days from the departure of the leaseholder and may remain in the unit for a reasonable time (note more than 60 calendar days for the date individual request head of household status) pending the verification and hearing process. This person must, upon satisfactory completion of the verification process, then execute all required Section 8 subsidy documents and cure any monetary obligations in order to maintain assistance. Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to an informal hearing. The informal hearing process is described in Section XI, of this policy.
98. **Rent to Owner**: The total monthly rent payable to the owner under the lease for the unit. Rent to Owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

99. **Definition of Local Preferences**

A. **Involuntary Displacement:** Involuntarily Displacement applicants are applicants who have or will (within no more than six months from the date of certification of verification) vacate housing as a result of:

1. A disaster (fire, flood, etc.).
2. Federal, state and local government action related to code enforcement, or public improvement or development.
3. Action by a housing owner which is beyond an applicant's ability to control, occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.

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

A non-exclusive list of examples of such reasons is published in the Preference Rule.

Involuntarily displaced applicants also include "Victims of Domestic Violence" who:

1. Have vacated due to actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member, or

2. Live in housing with an individual who engages in such violence.

Such "actual" or "threatened" violence must have occurred recently or be of a continuing nature.

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.

Verification of Involuntarily Displacement, includes the following documentation:

1. Certification from a unit of government or social service agency concerning displacement due to disaster.
2. Certification from a unit of government concerning displacement due to code enforcement or public improvement or development.
3. Certification from an owner concerning displacement due to owner action.
4. Certification from local police, social service agency, court, clergy person, physician, or public or private shelter, counseling facility concerning displacement due to domestic violence.

B. Substandard Housing

1. Is dilapidated (does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of family);
2. Does not have operable indoor plumbing;
3. Does not have usable flush toilet in the unit for the exclusive use of the family;
4. Does not have usable bathtub or shower in unit for exclusive family use;
5. Does not have adequate, safe electrical service;
6. Does not have an adequate, safe source of heat;

7. Should, but does not, have a kitchen;
8. Has been declared unfit for habitation by a government agency.

A family who resides as part of another family unit shall not be considered a separate family from the family unit for substandard housing definition preference purposes.

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

1. Lack a fixed, regular, adequate nighttime residence,
2. Have a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations, or an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not ordinarily used as a sleeping accommodation for human beings.

"Homeless Family" does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress.

Verification of Substandard Housing: Includes certification from a unit of government or from the applicant's current landlord that the unit's condition meets the definition of substandard. For "Homeless Families", verification is certification of this status from a public or private facility providing shelter to the family, or from local police or a social service agency.

C. 50% of Income for Rent

The definition of this preference involves definition of two terms: "Family Income" and "Rent". For purposes of the Preference Rule, "Family Income" is Monthly Income as defined in 24CFR813.102. "Rent" is defined as:

1. The actual amount due and paid and current under a lease or occupancy agreement (calculated on a monthly basis), plus
2. The monthly amount of tenant-supplied utilities, which can be either:
 - (a) The PHA's reasonable estimate of the cost of such utilities, using the Section 8 Utility Allowance Schedule, or
 - (b) The average monthly payments the family actually made for these utilities in the most recent 12 months period, or shorter period if appropriate, as determined by the PHA.

Verification of Income, Rent, Utilities Payment: Income must be verified in accordance with already existing PHA procedures used to verify income to determine eligibility and Total Tenant Payment.

Amounts due under a lease or occupancy agreement must be verified by requiring the family to furnish copies of rental receipts, canceled checks, money order receipts or a copy of current purchase agreement, or by contacting the lien holder or landlord directly.

If there is no lease or occupancy agreement must, documentation provided will have to cover the prior 3 months of rent. If there is a lease, and the family has resided there less than three months, the PHA will accept the lease and a lesser number of rent receipts. Actual amount paid for utilities must be verified by requiring family to provide copies of

appropriate bills or receipts, or obtain information directly from utility supplier.

Initial Determination

At the time of application, initial determinations of an applicant's entitlement to a Federal Preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified as outlined above.

If the preference verification indicates that the applicant is not entitled to the preference, the applicant will be replaced in order on the waiting list, without the Federal Preference, or given a 10% exception.

100. **Set-Up Charges**: In a manufactured home space rental: charges payable by the family for assembling, skirting and anchoring the manufactured home.
101. **Single Person**: A person who lives alone or intends to live alone, and who does not qualify as an elderly family or a displaced person, or as the remaining member of a tenant family.
102. **Single Room Occupant (SRO)**: Single Room Occupancy (SRO) Housing is a unit which does not contain sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and is suitable for occupancy by an eligible individual who is capable of independent living. SRO Housing is not substandard solely because it does not contain sanitary facilities or food preparation facilities, or both.

103. **Special Admission**: Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.
104. **Spouse**: A spouse is the legal husband or wife of the head of the household. This includes common law marriage.
105. **Subsidy Standards**: Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and composition.
106. **Suspension**: Stopping the clock on the term of a family's certificate or voucher on the date that the HA receives the request for lease approval by the family (See also Section XIII.3, E, (1).
107. **Temporarily Absent Family Members**: Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.
108. **Tenant**: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.
109. **Tenant-Based**: Rental assistance that is not attached to the structure.
110. **Tenant Rent**: The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. The tenant payment is the amount the tenant pays toward rent and allowance for utilities. To arrive at tenant rent, the utility allowance is subtracted from total tenant payment or minimum rent. If the utility allowance is greater than the total tenant payment or minimum rent, the tenant rent is zero and there is a utility reimbursement payment (URP). The URP is the difference between the total tenant payment or minimum rent and the utility allowance.

111. **Total Tenant Payment (TTP)**: The TTP for families participating in the certificate and moderate rehabilitation programs must be at least \$_____, which is the minimum rent established by the HA.

A. For the Certificate and Moderate Rehabilitations Programs, the TTP must be the greater of:

- (1) 30 percent of family monthly adjusted income;
- (2) 10 percent of family monthly income;
- (3) Welfare rent (if applicable) in as-paid states; or
- (4) \$_____, which is the minimum rent set by the HA

Note: It is possible for certificate and moderate rehabilitation families to qualify for a utility reimbursement despite the requirement of a minimum rent. For example, if a certificate family's TTP is the minimum rent of \$25 and the HA's utility allowance for the size and type unit the family has selected is \$60, the family would receive a utility reimbursement of \$35 (\$60 less \$25) for tenant purchased utilities.

B. For the Voucher Program

- (1) The TTP is the same as A(), (2) and (3) above. The utility allowance is applicable for the Voucher Program. Voucher families will pay the owner the difference between the monthly rent the owner the difference between the monthly rent to owner and the housing assistant payment. Voucher families will also pay the cost of tenant-furnished utilities under the lease (Reference Notice 96-7 (HA) for Section 8 Voucher Program Minimum Rent Calculation Worksheet).
- (2) For families admitted to the program after 12/20/1998, and when the HA adopted payment standard exceeds the gross rent and the family remains in the same unit or

complex the gross rent will be used as the payment standard.

112. **Utilities**: Utilities may include water, electricity (including air conditioning if applicable See CFR 982.517), gas, garbage, and sewage services and, where applicable, trash and garbage collection.
113. **Utility Allowance**: The utility allowance, if any, determined for the Section 8 program for tenant purchased utilities (except telephone) that are normally included in rent.
114. **Utility Reimbursement Payment (URP)**: Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment or minimum rent for the family occupying the unit.
115. **Very Low-Income Family**: A lower Income Family means a family whose annual income does not exceed fifty (50%) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.
116. **Violent Criminal Activity**: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

117. **Voucher**: A document issued by an HA to a family selected for admission to the voucher program. The voucher describes the program, and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.
118. **Wage Earner**: A person in a gainful activity who receives any wages. Said wages or pay covers all types of employee compensation including salaries, vacation, allowances, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeably.
119. **Waiting List Admission**: An admission from the HA waiting list.
120. **Welfare Assistance**: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

SECTION V. APPLYING FOR ASSISTANCE

1. **How to Apply**:
- A. Families wishing to apply for housing assistance shall complete an application for public assistance.
 - B. Applications will be accepted at the following location: Manatí, PR.
 - C. Applications are taken to compile a waiting list. Due to the demand for housing in the HA's jurisdiction. The HA may take applications on an "open enrollment" basis, depending on the length of the waiting list.

- D. Completed applications will be accepted for all applicants and the information will be verified by the HA.
- E. Applications may be made in person at the HA during specified dates and business hours posted at the HA's Office.
- F. The application must be dated, time-stamped, and referred to the HA's office where Section 8 applications are processed.
- G. Individuals who have a physical impairment which would prevent them from completing an application in person may call the HA to make special arrangements to complete their application. A Telecommunication Device for the Deaf (TDD) is available for the deaf. If the applicant is visually impaired, all notices must be in a format understandable by applicant.

2. **Closing of Application Taking:** If the HA is taking applications, the HA may suspend the taking of application if the waiting list is such that additional applicants would not be able to be housed within the next 12 month period.

3. **Opening of Application Taking:** When the HA decides to start taking applications the following procedures will be followed:

Note: The HA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the availability and nature of housing assistance for eligible families.

The Notice must contain the following:

- A. The HA will publish the date applications will be accepted and the location where applications can be completed.

Note: If the HA anticipates suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.

- B. Advise families that applications will be taken at the designated office;
 - C. Briefly describe the Housing Assistance program; and
 - D. State that applicants for Section 8 assistance must specifically apply for Section 8 assistance and that applicants for Section 8 assistance may also apply for to Public Housing and they will not lose their place on the Section 8 Housing waiting list if they also apply for Public Housing.
 - E. To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.
4. **Application Period (Dates):** The application taking closing date may be determined administratively at the same time that the HA determines to open enrollment. The open enrollment period shall be long enough to allow enough applicants as required by the projected turnover and the number of Section 8 Certificates or Housing Vouchers allocated.

SECTION VI. MISSED APPOINTMENTS FOR APPLICANT OR PARTICIPANT

1. **Missed Appointment Without Notification:** An applicant or person receiving assistance who fails to keep an appointment without notifying the HA and without re-scheduling the appointment shall be sent a notice of termination of the process or assistance for failure to supply such certification, release of information or documentation as the HA or HUD determines to be necessary (or failure to allow the HA to inspect the dwelling unit at reasonable times and after reasonable notice, if applicable) in the following situations:
 - A. Complete Application
 - B. Bringing in Verification information
 - C. Program Briefing
 - D. Leasing Signature Briefing
 - E. HQS Inspections
 - F. Recertification
 - G. Interim Adjustment
 - H. Other Appointment or Requirements to Bring in Documentation as Listed in this Plan
 - I. Scheduled Counseling Sessions
2. **Process when Appointment(s) are Missed:** For most of the functions above, the family may be given two appointments. If the family does not appear or call to reschedule the appointment(s) required, the HA may begin the termination process. The applicant or participant will be given an opportunity for an informal review or hearing pursuant to Section XI.

If the representative of the HA makes a determination in favor of the applicant or participant, the HA will comply with decision unless the HA is not bound by a hearing decision concerning a matter for which the HA is not required to provide an opportunity for a hearing pursuant to 24 CFR 982.554(c) and 982.555(b).

3. **Letters Mailed to Applicants by the HA:** If an applicant claims they did not receive a letter mailed by the HA, that requested the applicant to provide information or to attend an interview, the HA will determine whether the letter was returned to the HA. If the letter was not returned to the HA, the applicant will be assumed to have received the letter.

If the letter was returned to the HA and the applicant can provide evidence that they were living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the application in effect at the time the letter was sent.

SECTION VII. MISREPRESENTATION BY THE APPLICANT OR PARTICIPANT

If an applicant or Section 8 participant is found to have made willful misrepresentations at any time which resulted in the applicant or Section 8 participant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and the Section 8 participant will be terminated because of the act of fraud by the applicant/Section 8 participant. If such misrepresentation resulted in the Section 8 participant paying a lower rent than was appropriate, the Section 8 participant shall be required to pay the difference between the actual payments and the amount which should have been paid. In justifiable

instances, the HA may take such other actions as it deems appropriate, including referring the Section 8 participant to the proper authorities for possible criminal prosecution.

SECTION VIII. SECTION 8 ELIGIBILITY CRITERIA

1. **Eligibility**: All individuals who are admitted to the Section 8 Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant must meet the following requirements:

- A. The applicant family must qualify as a family as defined in Section IV.
- B. The applicant family's Annual Income as defined in Section IV, must not exceed income limits established by HUD for the Section 8 Programs.
- C. Head of Household must be:
 - (1) 19 years of age or older,
 - (2) 18 years of age and married (not common law), or
 - (3) A person that has been relieved of the disability of non-age by a juvenile court.

2. **Ineligible**: Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on a waiting list or offered Section 8 assistance under the following circumstances:

If the applicant's annual family income exceeds the Income Limits established by HUD and published in the Federal Register, the applicant will be declared ineligible.

3. **Informed of Ineligibility**: If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten days from the date

stated on the ineligible letter to request an informal meeting. The applicant may bring any person he/she wishes to represent them at the informal meeting. The request for an informal meeting may be submitted in writing and/or the request may be verbal. However, the request must be received by the HA within the time frame established by the HA for the meeting.

4. **Single Person**: In addition, under Section 24 CFR 5.405, the HA is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family (Ref CFR 5.403). Single persons are only eligible for a one bedroom certificate or voucher.
5. **Declaration of Citizenship**: Section 214 of the Housing and Community Development Act of 1980 prohibits HAS from making financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible noncitizens in HUD's assisted housing programs. This law is referred to as the "Noncitizens Rule" and is effective June 19, 1995.
6. **Adding a person to the Program**: Once an applicant becomes a participant in the HA's tenant-based program, the head of household must request permission to add another person to the program (Except for birth, adoption or court-awarded custody of a child). The person being added must meet all eligibility requirements before the HA will approve any addition to the tenant-based program.

SECTION IX. VERIFICATION AND DOCUMENTATION

Families are required to provide Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued SSN by the Social Security Administration. All members of the family defined above must either:

1. **Social Security Number (SSN)**: Submit SNN; or sign a certification if they have not been assigned a SSN. If the individual is under 18, the certification must be executed by his or her parent or guardian. If the participant who has signed a certification forms obtains a SSN, it must be disclosed at the next regularly scheduled reexamination, or next rent change.

Verification will be done through the providing of a valid Social Security card issued by the Social Security Administration.

The HA will accept copies of the Social Security card only when it is necessary for the HA to verify by mail the continuing eligibility of participating families.

If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. he or she may be required by the HA to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided; These documents include:

- Drivers license, that displays the SSN
- Identification card issued by a Federal, State or local agency
- Identification card issued by an employer or trade union
- identification card issued by a medical insurance company
- Earnings statements or payroll stubs

- Bank statements
- IRS Form 1099, or W-2 Form
- Benefit award letters from government agencies
- Medicaid Cards
- Unemployment benefit letter
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of Social Security benefits with the Social Security Administration

Note: If the HA verifies Social Security benefits with the social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

Applicants may not become participants until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances requires an extension. The decision will be made by a HA representative and documented, in writing, and placed in the applicant's file.

2. **Employer Identification Number** (EIN) and applicable consent form.

3. **Additional Documentation** that may be required in determining eligibility:

- Temporary Assistance to Needy Families (TANF)
- Birth Certificate, or Drivers License that displays the date of Birth and/or form(s) that are issued by a Federal, State, City or County Agency that displays the date of Birth.
- Child Care Verification
- Credit References (History)
- Employer's verification
- Landlord Verification
- Social Security Benefits
- Assets Verification
- Bank Accounts: Checking Accounts - \$500 + Balance
- Saving Accounts - 4100 + Balance
- Marriage Certificate: If a marriage certificate is not available the following information is acceptable
- Drivers license that displays the same address and last names
- Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax reporting period.
- Other acceptable forms of documentation of marriage would include any document that has been issued by a federal, state, City or County Government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple.

- The couple also certifies in their application for housing that they are married.
- Personal References:** Personal references (other than from family members) may be used when an applicant cannot produce prior rental history records. Personal References must be notarized.
- Police Reports(s)
- Current reports from drug treatment centers or facilities
- Supplemental Social Security Income (SSI) Benefits
- Unemployment Compensation
- VA benefits
- Documentation to support medical expenses
- Any other reasonable information needed to determine eligibility may be requested by the HA.

Note: For the purposes of this plan, if a member of the current family has committed acts of fraud or has an arrest record, including a drug related arrest, that reflects that the family member may be a danger to the health, safety, or welfare of the community then that person will not be allowed to be a participant on the program. The HA shall prohibit assistance to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

Individuals who have been evicted from any housing complex for engaging in criminal activities, including drug-related criminal activities may be denied assistance.

4. **Separation with Children:** Separation means the ending of co-habitation by mutual agreement. If an applicant is separated from a person and has children by that person or former spouse, applicant must provide at least one of the verification listed below:

- A. A final divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.
- B. Receiving court-ordered child support from former spouse.
- C. Verification that applicant is pursuing child support through Department of Human Resources, Child Support Unit or Circuit clerks Office.
- D. If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system, either through the circuit clerks office, Department of Human Resources, or through a court referee.
- E. Receiving TANF through the Department of human Resources for former spouse's children.
- F. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
- G. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
- H. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.
- I. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
- J. Food stamp verification. If no other documentation is available.

5. **Separation - No Children**: If applicant is separated from a person and has no children by that person, applicant must provide at least one of the verifications listed below:
- A. A final divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.
 - B. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
 - C. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
 - D. Written statement from Lawyer that applicant has files suit for divorce because of physical abuse.
 - E. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
 - F. Food Stamp Verification. If no other documentation is available.

Note: This section also applies to program participants.

6. **U.S. Citizenship Verification and Appeal Procedures**: The housing authority (HA) must follow the verification procedures (to be provided by HUD) and verify the person or persons declaration of U.S. citizenship through the INS SAVE system.

Once the verification is completed and verification from the INS SAVE system confirms the declarations of U.S. Citizenship and the applicant(s) meets all other conditions for occupancy, as outlined in the Admissions and Continued Occupancy Policy (ACOP), Section VIII Admission Eligibility Criteria, or the Section 8 Administrative Plan, Section VIII Section 8 Eligibility Criteria (as appropriate), the

application will be processed for assistance.

In the INS SAVE system does not confirm U. S. citizenship, the HA must request that a manual search be conducted of INS records. The HA must request the secondary verification (manual search) by INS within ten calendar days of receipt of the initial failed verification. INS will issue a decision within 30 days of its receipt of the request for a secondary verification. If the secondary verification fails to confirm eligible immigration status, the HA shall notify the family of the right of appeal to INS. If INS is unable to issue a decision within 30 days, the INS will inform the family and the HA of the reasons for the delay. When the HA receives a copy of the INS decision (and the decision does not confirm the declaration of U. S. citizenship), the HA will notify the family of its right to request an informal hearing. The informal hearing will be conducted in accordance with Section XI.

- A. Assistance to an applicant may not be delayed, denied, or terminated, if:
- (1) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
 - (2) The family member of whom required evidence has not been submitted has moved;
 - (3) The family member who is determined not to be in an eligible immigration status following INS verification has moved;
 - (4) The INS appeals process has not been concluded;
 - (5) For a tenant, the HA hearing process has not been concluded;
 - (6) Assistance is prorated;
 - (7) Assistance for a mixed family is continued.

B. Assistance to an applicant shall be denied, and a tenant's assistance shall be terminated, upon the occurrence of any of the following:

- (1) Evidence of citizenship (i.e., the declaration) is not timely submitted;
- (2) Evidence of citizenship and eligible immigration status is timely submitted but INS primary and secondary verification does not verify eligible immigration status;
- (3) The family does not pursue INS appeal or HA informal hearing rights;
- (4) INS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.

C. Notice must be given to the family and shall advise:

- (1) That financial assistance or housing will be denied or terminated, and provide a brief explanation of the reasons;
- (2) That they may be eligible for proration of assistance;
- (3) In the case of a tenant, the criteria and procedures for obtaining relief for mixed families and other families; and,
- (4) Any future appeal rights have been exercised.

7. **Criminal Records Management Police:** All adult applicants and tenants shall complete an "Authorization for Release of Police Record." The HA shall request an National Crime Information Center (NCIC) check for criminal history for an applicant or tenant. Applicants and tenants may be requested to furnish fingerprints for this purpose through the local law enforcement office to be sent to the FBI. NCIC information shall be furnished to the HA pursuant to the agreement between the U.S. Department of Housing and Urban Development and the U. S. Department of Justice Regarding Access to National Crime Information Center Data.

For the purpose of screening applicants, lease enforcement and eviction the HA or its Agents will attempt to obtain NCIC reports and any police records from law enforcement agencies related to a persons criminal conviction records for persons eighteen (18) years of age or older. The HA may also request this information for juveniles, to the extent that the release of such information is not prohibited by State, local, or tribal laws.

Before the HA takes any adverse action based on a criminal conviction record, the HA or its Agents must provide the applicant or tenant with a copy of the criminal record and an opportunity to dispute the accuracy or relevancy of the record. For applicants, the copy will be provided at a hearing. The hearing is afforded to each applicant that is denied admission and provides the applicant the opportunity to dispute any information used to deny an applicant housing assistance. For participants, the copy will be provided in accordance with the HA's Informal Review or Hearing Procedure.

the HA will keep all criminal records received confidential and not misuse or improperly disseminate the information. Criminal records of any adult applicant/tenant which are used as the basis of denying tenancy or eviction are confidential and shall not be disclosed to any person or entity other than for official use or for use in court proceedings. The term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law. Said records shall be maintained in separate files and shall be kept in a locked, secure location. Access shall be limited to those employees approved by the Executive Director.

Records shall be destroyed once action is taken and any grievance procedure, or court proceeding is completed. A notice of record destruction shall be maintained in a separate file.

The HA will work through their local law enforcement agencies to obtain information from NCIC. Also, the HA may pay reasonable fees charged by law enforcement agencies that provide the information. The applicant or tenant may not be charged for any expenses related to the investigation.

SECTION X. GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE

1. **Denied Admission:** The HA may deny an applicant admission to participate in the Section 8 Program or, with respect to a current participant, may refuse to issue another Certificate or Voucher for a move to another unit, approve a new lease, or execute a new Contract for the Section 8 participant, if the applicant or participant: (Ref: 24 CFR 982.552).

A. Owes rent, other amounts, or judgements to any HA or any other federally subsidized housing program, the applicant will be declared ineligible. At the HA's discretion, the applicant may be declared eligible upon payment of the debt, with the date and time of application being the time of payment and meeting other criteria.

Note: Applicants that owe a HA or any other federally subsidized program funds will not be processed for receiving assistance. The applicant must pay the funds owed prior to the application being processed. Re-paying funds that are due does

not necessarily qualify an applicant for housing assistance. Such payments will be considered along with other factors in the application process. Any money owed to a HA which has been discharged by bankruptcy shall not be considered in making this determination.

- B. As a previous participant in the Section 8 Program or as a participant in the Public Housing Program, the applicant has not reimbursed the HA or another HA for any amounts paid to an owner under a housing assistance contract for rent or other amounts owed by the Family under its lease and for a vacated unit.
- C. Has violated any Family obligation listed on the certificate or voucher.
- D. Engage in drug-related criminal activity or violent criminal activity, including criminal activity by the Family member. (Reference 24 CFR 982.553(a)(1)(2).
- E. Breaches a repayment agreement to the HA and/or owner.
- F. Committed acts which would constitute fraud in connection with and/or has been evicted from any federally assisted housing program.
- G. Did not provide information required within the time frame specified (the applicable dates are contained in the letters from the HA to the applicant) in during the application process.
- H. The HA shall deny the admission of a Family, if the applicant, or any member of the applicant's family does not sign and submit consent forms that are provided by the HA for the purpose of verifying employment and income information.
- I. The applicant family must have properly completed all application requirements, including verifications. Misrepresentation of income, family composition or any other information affecting eligibility, will result in the family being declared

ineligible. In the event the misrepresentation is discovered after admission, the assistance will be terminated for such misrepresentation.

- J. The applicant and all adults must sign a release allowing the HA to request a copy of a police report from the National Crime Information Center, Police Department or other Law Enforcement Agencies. The applicant and all adults further agree to provide fingerprints if requested. If the HA uses the information to deny or terminate assistance the HA must provide a copy of the information used upon proper request.
- K. If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of program requirements, the applicant may be declared ineligible.
- L. If the HA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this requirement if:
 - (1) The person demonstrates to the HA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - (2) has successfully completed a supervised drug or alcohol rehabilitation program;
 - (3) has otherwise been rehabilitated successfully; or
 - (4) is participating in a supervised drug or alcohol rehabilitation program.
 - (5) if any household includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

2. **Notification of Denial:** If an applicant is denied admission, the HA will notify the

applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal review on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal review (verbal and/or in writing) with the HA. (Reference Section XI).

3. **Time Frames for Denial:** As a general rule applicants may be denied admission to the Section 8 Programs for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:

- A. Denied admission for one year for violation of certificate/voucher and illegal use, or possession for personal use, of a controlled substance or alcohol.
- B. Denied admission for three (3) years for the following: Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.

The HA can waive this requirement if: the person demonstrates to the HA's satisfaction successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.

- C. Denied admission for five (5) years for the following:
 - (1) Fraud (giving false information on the application is considered fraud).
 - (2) An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.
- D. Denied admission for ten (10) years for a conviction of Drug Trafficking.

- E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- F. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the assisted housing. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

SECTION XI. APPLICANT DENIED ASSISTANCE AND PROVIDED OPPORTUNITY FOR INFORMAL REVIEW OR PARTICIPANT ASSISTANCE IS TERMINATED AND PROVIDED OPPORTUNITY FOR INFORMAL HEARING

1. **Applicant Informal Review**: The HA must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the HA decision. the notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review. The request must be in writing and presented to the HA within ten days of the notice of denial.
 - A. **Informal Review Process**: The HA must give an applicant an opportunity for an informal review of the HA decision denying assistance to the applicant. The review may be conducted by any person or persons designated by the HA, other than a

- E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- F. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the assisted housing. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

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 - A. **Informal Review Process**: The HA must give an applicant an opportunity for an informal review of the HA decision denying assistance to the applicant. The review may be conducted by any person or persons designated by the HA, other than a

person who made or approved the decision under review or a subordinate of this person. The applicant must be given an opportunity to present written or oral objections to the HA decision. The HA must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision.

B. Informal Review Not Required: An informal review is not required to be given by the HA in the following circumstances:

- (1) Discretionary administrative determinations by the HA.
- (2) General policy issues or class grievances.
- (3) A determination of the family unit size under the HA subsidy standards.
- (4) An HA determination not to approve the suspension or extension of a certificate or voucher term.
- (5) A determination not to grant approval to lease a unit under the program, or to approve a proposed lease.
- (6) A determination that a unit selected by the applicant is not in compliance with HQS.
- (7) A determination that the unit is not in accordance with HQS because of the family size or composition.

2. **Participant Informal Hearing:** The HA must give an opportunity to the participant for an informal hearing to consider whether the HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and HA policies. Under the following circumstances.

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance for tenant-paid utilities from the HA utility allowance schedule.
- A determination of the family unit size under the HA subsidy standards.
- A determination that the certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.
- A determination to terminate assistance for a participant family because of the family's action or failure to act.
- A determination to terminate assistance because the participant family has been absent from the assisted unit for more than fourteen days in a calendar year.

Note: In the cases described hereinabove, the HA must give the opportunity for an informal hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

A. The HA is not required to give an informal hearing for any of the following:

- Discretionary administrative determinations by the HA.
- General policy issues or class grievances.
- Establishment of the HA schedule of utility allowances for families in the program.
- A HA determination not to approve an extension or suspension of a certificate or voucher term.

- A HA determination not to approve a unit or lease.
 - A HA determination that an assisted unit is not in compliance with HQS. Provided, however, that the HA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in the Certificate/Voucher/Lease Addendum, or in other HUD rules and regulations or HA policies.
 - A HA determination that a unit is not in accordance with HQS because of the family size.
 - A HA determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.
- B. Notice to the Family: The HA must notify the family that the family may ask for an explanation of the basis of the HA determination, and if the family does not agree with the determination, the family may request an informal hearing on the decision. The housing authority must give the family prompt written notice that the family may request a hearing, and this notice must contain a brief statement of the reasons for the decision, state that if the family does not agree with the decision, the family may request an informal hearing on the decision. The family has ten days from the date of the notice to request in writing an informal hearing. The hearing will be scheduled by the HA within ten days from the date of the request.
- C. Hearing Procedures: The HA must give the participant an opportunity for an informal hearing of the HA decision terminating assistance to the participant. The hearing may be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate

of this person. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA hearing procedures. The HA and the participant shall each have the right to review any and all relevant documents which may be used in the hearing. Any fees for copying or procuring the documents shall be at the expense of the requesting party. The participant may be represented by a lawyer or other representative at the hearing. Costs of representation shall be the responsibility of the participant. The participant must be given an opportunity to present written or oral objections to the HA decision.

The HA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The HA must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reason for the final decision. Factual determination relating to the individual circumstances of the family shall be based upon a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

SECTION XII. SECTION 8 APPLICANT SELECTION PROCESS

1. Certificate of Housing Voucher Selection and Participation Process:

- A. **Equal Opportunity:** The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This HA shall not deny any family the opportunity of applying for a Certificate of Family Participation or Housing Voucher.

2. **Types of Selection:** The HA may admit an applicant for participation in the program either:
 - (1) as a special admission (see definition below), or
 - (2) as a waiting list admission. Also, a Section 8 Participant is responsible for finding an existing housing unit suitable to the holder's needs and desires (Reference 24 CFR 982.353, Where family can lease a unit).
3. **Special Admissions:** If HUD awards the HA program funding that is targeted for families living in specified units:
 - (1) The HA must use the assistance for the families living in these units.
 - (2) The HA may admit a family that is not on the HA waiting list, or without considering the family's waiting list position. The HA must maintain records showing that the family was admitted with HUD-targeted assistance.
 - (3) For housing covered by the Low-Income Housing Preservation and Resident Home ownership Act of 1990 (41 U.S.C. 4101 et seq.):
 - (4) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
 - (5) A non-purchasing family residing in a HOPE 1 or HOPE 2 project.
2. **Organization of the Waiting List:** The HA waiting list must contain the following information for each applicant listed:
 1. Applicant name;
 2. Family unit size (number of bedrooms for which family qualifies under HA occupancy guidelines);
 3. Date and time of application;
 4. Local Preferences, if applicable.

3. **Order of Selection from the Waiting List:**

1. When a Certificate or Housing Voucher is available, the HA will select the family at the top of the waiting list in accordance with Section XII., 2. above. The order of admission from the waiting list may not be based on family size, or on the family unit size for which the family qualifies for under the HA occupancy guidelines. If the HA does not have sufficient funds to subsidize the family unit size of the family at the top the waiting list, the HA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.
2. Provided, however, the provisions of the Deconcentration Rule, contained within this policy, shall supersede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal...

4. **Maintaining the Waiting List:** The HA will remove an applicants name from the waiting list for the following:

1. The HA will remove names of applicants who do not respond to HA request for information or updates.
2. The HA will remove the names of applicants who refuse the HAs offer of tenant-based assistance.

Note: An applicant on the HA's Section 8 waiting list may refuse the HA's initial offer of a housing voucher, if the family wants to wait for a certificate. The family does not lose its place on the waiting list because of its refusal. The family also may refuse a HA's initial offer of a certificate if it wants to wait for a housing voucher. If the family refuses the second form of

assistance, the HA will remove the family from the waiting list (as outlines below).

5. **Procedure for Removing an Applicants Name from the Waiting List:** The applicant will be notified by the HA, in writing, that they have ten (10) calendar days, from the date of the written correspondence, to respond to the HAs request. The correspondence will also indicate that third name will be removed from the waiting list if they fail to respond within the time frame specified. The HAs system of removing applicants names from the waiting list **will not** violate the rights of a disabled person(s). If an applicant's failure to respond to a request from a HA for information or updates was caused by the applicant's disability, the HA will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to allow an applicant to be reinstated on the waiting list based on the original date and time of their application. If the applicant indicates that they did not respond due to a disability. If the disability is not apparent, the HA may request the applicant to have a doctor submit a written statement indicating that the applicant did not respond due to their disability.
6. **Purging the Waiting List:** To ensure that the HA's waiting list reflects the most current applicant information the waiting list will be updated and purged every _____
7. **Verification of Preference (timing), if applicable:** At the time of application, initial determinations of an applicant's entitlement to a Preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

SECTION XIII. ORIENTATION OF FAMILIES AND ISSUANCE OF CERTIFICATE OR HOUSING VOUCHER

1. **Briefing**: The purpose of the briefing is to go over the Certificate or Housing Voucher holders packet in order to fully inform the participant about the program so that he/she will be able to discuss it with potential landlords.
2. **Briefing Attendance Requirements**: All families (head of household) are required to attend the briefing when they are initially issued a Certificate or Housing Voucher. No Certificate or Housing Voucher will be awarded unless the household representative has attended a briefing.

Failure to attend a scheduled briefing (without notice to the HA) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of an inability to attend a briefing will be scheduled for the next briefing.

Failure of a applicant, without good cause, to participant in a scheduled briefing shall result in withdrawal of his/her application. This applicant will be notified of such withdrawal and determination of ineligibility and of his/her right to an informal review as outlined in Section Xi above.

3. **Format of the Briefing**: When a Family is initially receives its Certificate of Family Participation or Housing Voucher, a full explanation (oral) of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions depending on the circumstances). Also, families will be given adequate opportunity to raise questions and to discuss the information listed below. (Reference 24 CFR 982.301).

1. A description of how the program works;
2. Family and owner Responsibility; and
3. Where the family may lease a unit, including renting a dwelling unit inside or outside the HA jurisdiction.

Note: For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing must include a explanation of how portability works. The HA may not discourage the family from choosing to live anywhere in the HA jurisdiction, or outside the HA jurisdiction under portability procedures.

4. If the family is currently living in a high poverty census tract in the HA jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.
5. When issuing a Certificate or Housing Voucher, the HA shall give the Family a Section 8 Participant's Packet, which includes: (Reference 24 CFR 982.301).
 - (1) The term of the certificate or voucher is 60 days. A Certificate and Voucher is valid for a period of 60 days from the date of issuance. Prior to expiration, the family may contact the HA to inquire about assistance the HA can provide the family in locating suitable housing. The family must submit a Request for Lease Approval within the 60-day period unless an extension has been granted by the HA. Once the family has submitted a Request for Lease Approval the clock is stopped and/or suspended on the term of the certificate or voucher (See "Suspension"). When the clock is stopped (suspended), the time remaining days will be reinstated to the initial 60-day period of the Certificate or Voucher, if necessary. If the unit is not approved for any reason, the remaining days will be reinstated to the initial term of the certificate/voucher.

If the initial term is not adequate for finding a unit to lease, the family may request an extension of the initial term as described below.

- (2) Requesting for extensions of the term. A family may request an extension of the Certificate or Voucher time period. All requests for extensions should be received prior to the expiration date of the Certificate or Voucher. Extensions are permissible at the discretion of the HA primarily for the following reasons:
 - (a) Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affect the family's ability to find a unit within the initial 60-day time period. The HA representative will verify the extenuating circumstances prior to granting an extension.
 - (b) The family has evidence that they have made a consistent effort to locate a unit and request support services from the HA, throughout the initial 60-day period with regard to their inability to locate a unit.
 - (c) The family has turned in a Request for Lease Approval prior to the expiration of the 60-day time period, but the unit has not passed HQS.
 - (d) Time Period for extensions: A HA representative may grant one or more extensions not to exceed a total of 60 days. The initial term plus any extensions may not exceed 120 calendar days for the beginning of the initial term.
 - (e) Extensions for Disabled persons: The HA representative must grand an extension of up to 120 days for persons who are disabled.
- (3) How the HA determines the housing assistance payment for a family;
 - (a) For the certificate program, information on the FMRs and the HA utility

allowance schedule; and

- (b) For the vouchers program, information on the payment standard and the HA utility allowance schedule.
- (4) How the HA determines the maximum rent for an assisted unit;
 - (5) What the family should consider in deciding whether to lease a unit, including:
 - (a) The condition of the unit;
 - (b) Whether the rent is reasonable;
 - (c) The cost of any tenant-paid utilities and whether the unit is energy-efficient; and
 - (d) The location of the unit, including proximity to public transportation (if applicable), centers of employment, schools and shopping.
 - (6) Where the family may lease a unit. For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the information packet must include an explanation of how portability works;
 - (7) The HUD-required "lease addendum" (The lease addendum is the language that must be included in the lease).
 - (8) The form of request for lease approval, and an explanation of how to request HA approval to lease a unit;
 - (9) A statement of the HA policy on providing information about a family to prospective owners (See Section XV.3 below);
 - (10) The HA subsidy standards, including when the HA will consider granting exceptions to the standards;
 - (11) The HUD brochure on how to select a unit;

- (12) The HUD lead-based paint (LBP) brochure;
- (13) Information on federal, state and local equal opportunity laws, and a copy of the housing discrimination complaint form;
- (14) A list of landlords or other parties know to the HA who may be willing to lease a unit to the family, or help the family find a unit;
- (15) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the HA that may be available;
- (16) Family obligations under the program;
- (17) The grounds on which the HA may terminate assistance for a participant family because of family action or failure to act; and
- (18) The informal hearing procedures. This information must describe when the HA is required to give a participant family the opportunity for an informal hearing, and how to request a hearing.

4. **Approval of Lease and Execution of Related Documents**; Reference: 24 CFR 982.302 and 982.305.

When a family finds a unit, and the owner is willing to lease the unit under the program, the family may request the HA to approve the lease and unit.

Note: Property Owners cannot participate in the program if they are disapproved by the HA as outlined in Section XIV below.

1. If the HA determines that a unit which an Eligible Family wishes to lease meets HQS and the proposed Lease is approval, the HA shall notify the Owner and the Family of its determination of Lease approval.
2. After receiving notification from the HA, the Owner and HA representative shall schedule a meeting and execute and sign the Contract. After the contract is executed, the Owner and Family shall execute and sign the Lease and provide a copy to the HA.
3. The HA shall retain the following in its files:
 - (1) The Request for Lease Approval;
 - (2) The approved Lease;
 - (3) Inspection report;
 - (4) HA certification that the current rent being charged for comparable units in the private unassisted market, taking into account the location, size, type, quality, amenities, facilities and management and maintenance service of such unit. This certification will be maintained for three years to comply with HUD regulations and HUD inspections; and,
 - (5) Executed Contract.

SECTION XIV. HA DISAPPROVAL OF OWNER

1. **Owner Debarred**: The HA must not approve a unit if the HA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation. Also, when directed by HUD, the HA must not approve a unit if:
 1. The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and the action is pending; or
 2. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
2. **HA Administrative Discretion**: The HA will deny approval to lease a unit from an owner for any one of the following:
 1. Owner has violated obligations under a HAP contract.
 2. Owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
 3. The owner has engaged in drug-trafficking.
 4. The owner has a history or practice on non-compliance with the HQS requirements, State or local housing codes.
 5. The owner has not paid state or local real estate taxes, fines or assessments.

Note: after May 18, 1998, if the owner is a parent, child, grandparent, grandchild, sister, or brother of any member of the participant family, the HA must not approve the unit. However, if the housing authority determines that approval of the unit would provide reasonable accommodation for a family member who is a disabled person, the unit may be approved.

SECTION XV. OWNER RESPONSIBILITY FOR SCREENING

TENANTS

1. **Suitability for Tenancy**: The HA must inform the owner that the HA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility.
2. **Family's Background**: An owner may consider a family's background with respect to such factors as:
 1. Payment of rent and utility bills.
 2. Caring for a unit and premises.
 3. Respecting the rights of others to the peaceful enjoyment of their housing.
 4. Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others and compliance with other essential conditions of tenancy.
3. **Information Provided Owner Concerning Tenancy**: The HA must give the owner the family's current address (as shown in the HA records) and the name and address of the landlord at the family's current and prior addresses, if known to the HA. The HA will provide information to an owner for all participants when the HA possesses the following:
 1. The tenancy history of family members, or
 2. Drug-trafficking by family members.

SECTION XVI. WHERE A FAMILY CAN LEASE A UNIT WITH TENANT-BASED ASSISTANCE AND PORTABILITY PROCEDURES

1. **Assistance in the Initial HAs Jurisdiction:** The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction of the initial HA.
2. **Portability - Assistance Outside the Initial HA Jurisdiction:** Families living in the jurisdiction of the initial HA may receive tenant-based assistance to lease a unit outside the initial HA jurisdiction:
 1. In the same State as the initial HA;
 2. In the same metropolitan statistical area (MSA) as the initial HA, but in a different State;
 3. In an MSA that is next to the same MSA as the initial HA, but in a different State; or,
 4. In the jurisdiction of an HA anywhere in the United States that is administering a tenant-based program.

Note: Nonresident applicants (applicants that do not live in the legal jurisdiction of the initial HA) that apply for tenant-based assistance do not have any right to lease a unit outside the initial HAs jurisdiction during the twelve (12) month period from the time the family is admitted to the program. However, the family may lease a unit outside the initial HAs jurisdiction under portability procedures if both the initial HA and receiving HA agree.

3. **Income Eligibility:**
 1. For admission to the certificate or voucher program, a family must be income eligible in the area where the family initially leases a unit with assistance in the certificate or voucher program.
 2. A portable family transferring between the certificate and voucher programs must be income eligible for the new program in the area where the family leases an assisted unit.
This requirement applies if the family is either: transferring from the initial HAs

certificate program to the receiving HA voucher program, or transferring from the initial HAs voucher program to the receiving HAs certificate program.

3. If a portable family was already a participant in the initial HA certificate or voucher program, income eligibility is not redetermined unless the family transfers between the programs.
4. **Leasing in Place**: If the dwelling unit is approvable, a family may select the dwelling unit occupied by the family before selection for participation in the program.
5. **Freedom of Choice**: When the family selects eligible housing that meets all program requirements the HA may not directly or indirectly reduce the family's opportunity to select among available units.
6. **Portability - Administration by the Initial HA Outside the Initial HAs Jurisdiction**:
 1. When a family moves under portability to an area outside the initial HAs jurisdiction, the initial HA must administer the assistance for the family if: the unit is located within the same state as the initial HA, in the same MSA as the initial HA (but in a different State), and no other HA with a tenant-based program has jurisdiction in the area where the unit is located.
 2. If the above conditions exist, the family remains in the program of the initial HA. The initial HA has the same responsibilities for administration of assistance for the family living outside the HAs jurisdiction as for other families assisted by the HA within the HAs jurisdiction.
 3. The initial HA may choose to use another HA, a private management entity or other contractor or agent to help the initial HA administer assistance outside the HAs jurisdiction.
7. **Portability - Administration by Receiving HA**:

1. When a family moves under portability to an area outside the initial HA jurisdiction, another HA (the receiving HA) must administer assistance for the family if a HA with a tenant-based program has jurisdiction in the area where the unit is located. When this situation exist, the HA with jurisdiction in the area where the family wants to lease a units must issue the family a certificate or voucher. If there is more than one such HA, the initial HA may choose the receiving HA.
2. The receiving HA has the choice of assisting the family under either the certificate program or the voucher program. If the family was receiving assistance under the initial HAs certificate program, but is ineligible for admission to the voucher program, a receiving HA that administers a certificate program must provide continued assistance under the certificate program. If the family receiving assistance under the initial HA voucher program, but is ineligible for admission to the certificate, a receiving HA that administers a voucher program must provide continued assistance under the voucher program.
8. **Portability Procedures:** The initial HA must determine whether the family is income-eligible in the area where the family wants to lease a unit. The initial HA must advise the family how to contact and request assistance from the receiving HA. The initial HA must promptly notify the receiving HA to expect the family. The family must promptly contact the receiving HA, and comply with receiving HA procedures for incoming portable families. The initial HA must give the receiving HA the most recent HUD Form 50058 for the family, and related verification information. If the receiving HA opts to conduct a new reexamination, the receiving HA may not delay issuing the family a voucher or certificate or otherwise delay approval of a unit unless the recertification is necessary to determine income eligibility. When the portable family requests assistance from the receiving HA, the receiving HA must promptly inform the initial

HA whether the receiving HA will bill the initial HA for assistance on behalf of the portable family, or will absorb the family into its own program. The receiving HA must determine whether to extend the certificate or voucher term. The family must submit a request for lease approval to the receiving HA during the term of the receiving HA certificate or voucher. The receiving HA must determine the family unit size for the portable family. The family unit size is determined in accordance with the subsidy standards of the receiving HA. The receiving HA must promptly notify the initial HA if the family has leased an eligible unit under the program, or if the family fails to submit a request for lease approval for an eligible unit within the term of the certificate or voucher. To provide tenant-based assistance for portable families, the receiving HA must perform all HA functions, such as reexamination of family income and composition.

9. **Absorption by the Receiving HA:** If funding is available for the receiving HA, when a certificate or voucher is received, the receiving HA may absorb the family into the receiving HA's certificate or voucher program.

Note: HUD may require a receiving HA to absorb all or a portion of the portable families.

10. **Portability Billing:** The receiving HA may bill the initial HA for housing assistance payment and administrative fees. The initial HA must promptly reimburse the receiving HA for the full amount of the housing assistance payments (HAP) made by the receiving HA for the portable family. The amount of the HAP for a portable family in the receiving HA's program is determined in the same manner as for other families in the receiving HA program. The initial HA must promptly reimburse the receiving HA for 80 percent of the initial HA's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving HA. HUD may reduce the administrative fee to an initial HA, if the HA does not promptly reimburse the receiving HA for housing assistance payments

or fees on behalf of portable families.

SECTION XVII. ABSENCE FROM THE ASSISTED UNIT

Absence means that no member of the family is residing in the unit. Families participating in the program may be absent for a period of 14 calendar days without notifying the HA.

If the family anticipates being absent for more than 14 consecutive calendar days, the Head of Household must request written permission from the HA prior to leaving the assisted unit. The written request must be submitted 30 calendar days in advance of the anticipated absence. The HA may approve absences in excess of 14 consecutive calendar days for vacation, hospitalization or other good cause as presented to the HA by head of household. The HA will respond in writing within 10 calendar days of the receipt of the request for approved absence. The HA will not approve any request for absence for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

Note: If an emergency situation exists, such as hospitalization, the head of household must notify the HA by telephone as soon as possible and request a determination via the telephone. Verbal request for determination may only be made in emergency situations.

The HA will respond verbally and follow-up its verbal determination in writing within ten calendar days of the verbal request.

SECTION XVIII. CONTINUED ASSISTANCE AFTER FAMILY BREAK-UP

The HA shall determine which family members will continue to receive assistance after a family break-up. The head of household, spouse or any adult member of the household must notify the HA that there has been a family break-up and continued assistance is being requested. The assisted family member making the request must submit the request in

writing to the HA and request a determination. The request must be made with 10 calendar days of the break-up. The HA will consider the following factors in making this determination:

1. **Assisted Unit**: Whether the assistance should remain with family members remaining in the original assisted unit.
2. **Interest of Family Members**: The interest of minor children or of ill, elderly or disabled family members.
3. **Physical Violence**: Whether family members are forced to leave the unit as a result or actual or threatened physical violence against family members by a spouse or other member of the household.

The HA will issue a determination within 10 calendar days of receipt of the request for a determination. The person requesting the determination may request an informal Hearing in accordance with the HA established procedures if they disagree with the determination of the HA.

Note: If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the HA is bound by the court's determination of which family members continue to receive assistance in the program.

SECTION XIX. SUBSIDY STANDARDS

The following subsidy standards shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing:

Subsidy Standard Chart

Number of Bedrooms	Number of persons	
	Minimum	Maximum

1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

Section 8 participants shall be issued a Certificate or Voucher based on the subsidy standard listed above. In determining family unit size for a particular family, the HA may grant an exception to the above subsidy standard if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, unless a live-in-aide resides with the family. Any live-in-aide must be approved by the HA, in advance, and reside in the unit to care for a family member who is disabled or is at least 50 years of age. A live-in-aide must be counted in determining the family unit size.

A family that consist of a pregnant woman (with no other persons) must pre treated as a two-person family.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

SECTION XX. INSPECTIONS OF PRIVATE LANDLORD'S PROPERTY

When the HA receives a Request for Lease approval the HA shall inspect the unit for compliance with the HA's housing quality standards (HQS). The HA's inspector will inspect the unit for compliance with HQS standards and send the owner the results of the inspection. If there are defects or deficiencies which must be corrected in order for the unit to comply with HQS standards, the Owner shall be advised, in writing, by the HA of the work required to be done before a Contract can be executed. The unit will be reinspected to ascertain that the necessary work has been performed and the unit meets HQS standards for occupancy.

The HA will maintain a copy of every inspection and re-inspection report for three years, with one exception. If the unit inspected requires testing for Lead Based Paint and/or the unit requires treatment of chewable surfaces based on the testing, the HA shall keep indefinitely the test results and, if applicable, the Owner certification of the treatment. The inspection reports will specify the defects or deficiencies which must be corrected in

order for the unit to be corrected for the unit to meet HQS standards. The inspection report will also reflect any other defects or deficiencies, that do not cause the unit to fail, in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

SECTION XXI. INSPECTION STANDARDS

Before a unit can be approved of Occupancy under the Section 8 program, the unit must meet the performance requirements set forth in 24 CFR 982.401, which are the Housing Quality Standards (HQS's).

1. **HQS Inspection Areas:** The following areas are included in HQS inspections:

- Sanitary facilities;
- Food preparation and refuse disposal;
- Space and security;
- Thermal environment;
- Illumination and electricity;
- Structure and materials;
- Interior air quality;
- Water supply;
- Lead based paint;
- Access;
- Site and neighborhood;
- Sanitary condition; and
- Smoke Detectors.

Note: The HA's inspection only certifies that the unit meets HQS federal regulations and

the HA is not responsible for items not include din the HQS inspection. The HA will use HUD approved inspection forms to perform Section 8 Inspections.

2. Types of HQS Inspections:

- 1. Initial Inspections:** Performed by the HA staff after receiving the Request for Lease Approval from the applicant.
- 2. Yearly inspections** as required by HQS for tenants continuing to receive assistance and remaining in the same unit.
- 3. Re-Inspections:** Inspections that are performed by HA staff for the purpose of verifying that deficiencies noted in the previous inspection have been corrected and meet HQS.
- 4. Quality Control Inspections:** The Section 8 Coordinator will re-inspect five (5) percent (based on a random sample) of the total number of Section 8 units under HAP contract to insure that inspections are being performed in compliance with HQS standards. The Executive Director may perform some of the re-inspections, if necessary. The Section 8 Coordinator will maintain a file that documents the quality control inspections.
- 5. Special Inspections:** These types of inspections may be necessary when a Federal Official visits the HA to perform a compliance review of the HA and/or the Owner may request a special inspection be performed to document the condition to the unit.

6. **Move-out Inspections:** These inspections are performed after the tenant moves out of the unit and the Owner and/or the Owner's representative will be required to attend the move-out inspection. If the tenant plans to remain in the unit and the HAP contract is going to be canceled, the inspection can be performed with the tenant in place. Move-out inspections substantiate possible damage claim/violation of family obligations. The Owner may write the HA and indicate that there are no damages and a move-out inspection is not required. If an Owner requests a move out inspection to substantiate a damage claim/violation of family obligation the inspection must be completed prior to the work being done that will correct the damage. The Owner must request an inspection within 5 business days of the move-out in order to submit a damage claim, if applicable. If the HA cannot schedule the inspection prior to re-rental of the unit, the HA may give the Owner permission to submit a damage claim/violation of family obligation with pictures of the unit, to substantiate the damage. The HA may use this evidence to terminate the continuing assistance to the participant because of a family violation.

Note: The HA may only be responsible for a portion of a damage claim for HAP contracts existing prior to October 2, 1995.

SECTION XXII. DETERMINATION OF PARTICIPANT RENT AND RE-EXAMINATION OF INCOME AND FAMILY CIRCUMSTANCES

Rent as initially determined or at annual reexamination will remain in effect for the period between regular reexamination of family income and composition unless the following changes in family circumstances occur. Also, Section 8 participant agrees to report, in writing, and provide certification following any change in annual income within ten (10) calendar days of the occurrence.

Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family member's income;

Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age; or

To correct errors made when determining eligibility or at reexamination.

Note: If an error result in a retroactive rent payment due to the participant not providing correct information concerning annual income, the Section 8 participant may request the HA representative to approve a repayment schedule. The Section 8 participant must make the request, in writing, to the HA representative. The amount of the repayment will be the higher of \$10.00 per month or 10 percent of the monthly adjusted income. The HA representative will provide the Section 8 participant with a written response to their request and if approved the written notification will include the amount of the monthly repayment plus the due date of the first payment.

The final estimate of Family Income will be made by the HA on the basis of verified information regarding income.

There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income (as defined in Section IV which is not being reported).

Families may not be required to apply for public assistance, but it may be suggested to them. If the family reports zero income, the HA will have the family sign a verification form to verify that no income is being provided.

Families will be required to report any changes in their income status within ten (10) calendar days of the occurrence of employment and/or any other type of income is received.

Families with zero income may be requested to recertify more frequently:

1. **Annual Re-examination**

1. Once each year, or as required by this HA, the HA must reexamine the income and family composition of all families participating the Section 8 Program in accordance with 24 CFR 5.617. Verifications acceptable to the HA shall be obtained and determinations made. In the event of failure or refusal of the family to report the necessary information, the HA may terminate the assistance.
2. Records shall be maintained by the HA to insure that every participant's income and family composition has been reexamined within a twelve month period.
3. Upon completion of reexamination and verification, the participant shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following: (A copy of such notification is to be retained in the participant's file.)
 - (1) Any change in rent and the date on which it becomes effective.
 - (2) Any change required because of a change in the composition of the family.

2. **Interim Redetermination of Rent:** Rent as set at admission or Annual Re-examination will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. The participant is required and agrees to report, in writing, the following specified changes in family income and composition within ten (10) calendar days of occurrence.

1. Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family member's income. Any such additions, other than birth, must be approved by the HA in advance, and must qualify, the same as an applicant or any prospective new participant.
2. Employment, unemployment or changes in income for employment of a permanent nature of the family head, spouse, or other wage earner eighteen (18) years of age or older.
3. The starting of or stopping of, or an increase or decrease of any benefits or payments received by any member of the family or household from Old Age pension, Aid for Dependent Children, Black Lung, Railroad Retirement, Private Pension Fund, Disability Compensation, Veterans Administration, Child Support, Alimony, Regular Contributions or Gifts. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.
4. Cost of living increases in Social Security or public assistance grants need not be reported until next re-examination and redetermination of rent.

5. Errors of omission made at admission or re-examination shall be corrected by the HA. Retroactive payments will be made to the participant if the error is in the his/her favor.
6. A participant who has had a rent reduction/increase after initial occupancy or after annual re-examination must report all changes in income within ten (10) calendar days regardless of the amount or source.
3. **Notice of Temporary Rent**: On occasions, the HA is required to compute rent based on information that is supplied by the participant and third party information that has not or will not be provided by the employer. When this situation occurs the HA will compute a temporary rent based on the information available. Once the information is verified the participant will be notified in writing. If an underpayment was made based on the information provided the participant will have fourteen (14) days from the date of the HA notification to pay the amount specified. If the participant has made an overpayment, that amount will be credited to his/her account, with the landlord. The Head of Household and Spouse (if applicable) and a HA representative signs this Notice of Temporary Rent and it is filed appropriately with a copy provide to the participant.
4. **The Effective Dates of Interim Redetermination of Rent**
 1. Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.
 2. The participant agrees to pay any increases in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and to pay any back rent due because of failure to report such increase in family income.

- (1) Any interim change in rent will require verification of all family income that has not been verified within ninety (90) calendar days of the previous rent determination.
- (2) Participant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United States Department of Housing and Urban Development.
- (3) Temporary employment/unemployment or increases and decreases in wages "for any reason" of less than 30 days will not constitute a rent adjustment.
- (4) If it is found that a participant has misrepresented or failed to report facts upon which rent is based so that the participant is paying less than they should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the participant may be subject to civil and criminal penalties. Misrepresentation is a serious program violation which may result in termination.

5. **Special Re-examinations:** Special re-examinations are pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:

1. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special re-examination shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The participant shall be notified, in writing, of the date of the special re-examination.
2. If the family income can be anticipated at the scheduled time, the reexamination shall be

completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special re-examination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.

3. Rents determined at special re-examinations shall be made effective as noted in 4 A and B above.

6. **Minimum Rent Hardship Exemptions**

1. The HA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:
 - (1) The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

- (2) The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent or increase to the existing minimum rent).
- (3) The income of the family has decreased because of changed circumstance, including loss of employment.
- (4) A death in the family has occurred which affects the family circumstances.
- (5) Other circumstances which may be decided by the HA on a case by case basis.

All of the above must be proven by the Resident providing verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.

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

7. **Reduction of Welfare Benefits**: If the Section 8 participant request an income re-examination and the rent reduction is predicated on a reduction in tenant income from welfare, the request will be denied, but only after obtaining written verification from the welfare agency that the families benefits have been reduced because of:

1. Noncompliance with economic self-sufficiency program or,
 2. Work activities requirement or,
 3. Because of fraud
8. **Exception to Rent Reductions:** Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement will not affect their Section 8 tenant-based assistance.

SECTION XXIII. ADJUSTMENT TO UTILITY ALLOWANCES AND CONTRACT RENTS, PLUS MONTHLY HOUSING ASSISTANCE PAYMENTS

1. **Utility Allowances:** At least annually, the HA shall determine whether there has been a substantial change in utility rates or other charge of general applicability, and whether an adjustment is required in the **Allowance of Utilities and Other Services** by reason of such changes or because of errors in the original determination. If the HA determines that an adjustment should be made, the HA shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors and shall furnish HUD with a copy of the adjusted schedule. (Reference 24 CFR 882.214)
2. **Contract Rents:** Contract Rents may be adjusted by the HA on an annual basis and for special adjustments as provided below:
 1. **Annual Adjustment:** Upon request from the owner to the HA an annual adjustment may be made if the Contract unit is in decent, safe and sanitary condition and the Owner is otherwise in compliance with the terms of the Lease and the HAP Contract. Annual

adjustments as of any anniversary date shall be determined by using the **Section 8 Annual Adjustment Factor** most recently published by HUD in the Federal Register. The Contract rent may be adjusted upward or downward. However, in no case shall the adjusted rent be less than the Contract rent on the effective date of this Contract.

2. **A Special Adjustment:** Subject to HUD approval, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates or similar costs (i.e. assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in number 1 above of this section. The Owner shall submit financial statements to the HA which clearly support the increase.

Overall Limitation of Adjustments of 2 A and B above: Notwithstanding any other provision of this part, adjustments as provided for in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units.

3. **Monthly Housing assistance Payment (HAP) Payments:** Monthly payments will be made to an owner on behalf of a family participating in the Section 8 Program. Payments will be issued in accordance with the Housing Assistance Payment Contract. The checks will be issued on a monthly basis and mailed directly to the participating owner (due on the fifth (5th) day of each month for the current month.). A copy of the check will be kept and serve as a record of payment.

SECTION XXIV. FAIR MARKET RENT (FMR), PAYMENT STANDARD

FOR VOUCHERS AND RENT REASONABLENESS LIMITATION

1. **Three Types of Tenancy in the Section 8 Tenant-based Programs**: Some requirements of this section are the same for all three types of tenancy. Some requirements only apply to a specific type of tenancy. Unless specifically stated, requirements of this subpart are the same for all tenancies in the tenant-based programs.
 1. A regular tenancy under the certificate program
 2. An over-FMR tenancy under the certificate program; and
 3. A tenancy under the voucher program
2. **Negotiation Rent to Owner**: The owner and the family negotiate the rent to owner. At the family's request, the HA must help the family negotiate the rent to owner.
3. **Rent to Owner: Reasonable Rent**
 1. HA determination
 - (1) The HA may not approve a lease until the HA determines that the initial rent to owner is a reasonable rent.
 - (2) The HA must redetermine the reasonable rent;
 - (3) Before any increase in the rent to owner;

- (4) If there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary; or
- (5) If directed by HUD.
- (6) The HA may also redetermine the reasonable rent at any other time.
- (7) At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the HA.

2. **Comparability.** The HA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units.

3. **Owner certification of rents charged for other units.** By accepting each monthly housing assistance payment from the HA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the HA information requested by the HA on rents charged by the owner for other units in the premises or elsewhere.

4. **Maximum Subsidy: FMR/Exception Rent Limit**

1. **Purpose**

- (1) Fair market rents (FMRs) are published by HUD. In the tenant-based programs, the FMR/exception rent limit is used to determine the maximum subsidy for a family.
- (2) For a regular tenancy under the certificate program, the FMR/exception rent limit is the maximum initial gross rent under the assisted lease.

- (3) For the voucher program, the FMR/exception rent limit is the maximum "payment standard" (maximum subsidy) for a family.
- (4) For an over-FMR tenancy under the certificate program, the FMR/exception rent limit is the "payment standard" (maximum subsidy) for a family.

2. Determining exception rent

(1) Area exception rent: HUD approval

- (a) At HUD's sole discretion, HUD may approve an area exception rent for all units, or all units of a given size (number of bedrooms), leased by program families in a part of the fair market rent area that is designated as an "exception rent area." A HUD-approved area exception rent applies to all HAs with jurisdiction of the exception rent area.
- (b) An area exception rent may not exceed 120 percent of the FMR.
- (c) HUD will determine the area exception rent by either of the two following methods:
 - (i) Median rent method. In the median rent method, HUD determines the area exception rent by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception rent area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception rent area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census data products.
 - (ii) 40th percentile rent method. In this method, HUD determines that the area

exception rent equals the 40th percentile of rents to lease standard quality rental housing in the exception rent area. HUD determines the 40th percentile rent in accordance with the methodology described in 24 CFR 888.113 for determining fair market rents. An HA that asks HUD to approve an area exception rent determined by the 40th percentile rent method must present statistically representative rental housing survey data that justify exception rent approval by HUD.

- (d) An area exception rent will not be approved unless HUD determines that an exception rent is needed either:
 - (i) To help families find housing outside areas of high poverty; or
 - (ii) Because certificate or voucher holders have trouble finding housing for lease under the program within the term of the certificate or voucher.
- (e) The total population of exception rent areas in an FMR area may not include more than 50 percent of the population of the fair market rent area.
- (f) At any time, HUD may withdraw or modify any approved area exception rent.

(2) **Regular certificate tenancy: Exception rent as reasonable accommodation for person with disabilities: HA approval.** For a regular tenancy in the certificate program, on request from a family that includes a person with disabilities, the HA must approve an exception rent of up to 120 percent of the fair market rent if the exception rent is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

5. **Voucher Tenancy or Over-FMR Tenancy: (How to calculate housing assistance payment)**

1. **Use of payment standard.** For a voucher tenancy or for an over-FMR tenancy under the

certificate program, a "payment standard" is used to calculate the monthly housing assistance payment for a family. The "payment standard" is the maximum monthly subsidy payment for a family.

2. Voucher program: Amount of assistance

(1) Voucher payment standard: maximum and minimum

- (a)** The HA must adopt a payment standard schedule that establishes payment standards for the HA voucher program. For each FMR area and for each exception rent area, the HA must establish voucher payment standard amounts by unit size (zero-bedroom, one-bedroom, and so on).
- (b)** For a voucher tenancy, the payment standard for each unit size may not be:
 - (i)** More than the current FMR/exception rent limit; or
 - (ii)** Less than 80 percent of the current FMR/exception rent limit, unless a lower percent is approved by HUD.

(2) Voucher assistance formula

(a) For a voucher tenancy, the housing assistance payment for a family equals the lesser of:

(i) The applicable payment standard minus 30 percent of monthly adjusted income; or

(ii) The monthly gross rent minus the minimum rent.

(b) The minimum rent is the higher of:

(i) 10 percent of monthly income (gross income); or

(ii) A higher minimum rent as required by law.

(3) Voucher payment standard schedule

(a) A voucher payment standard schedule is a list of the payment standard amounts used to calculate the voucher housing assistance payment for each unit size in an FMR area. The payment standard schedule for an FMR area includes payment standard amounts for any HUD-approved exception rent area in the FMR area.

(b) The voucher payment standard schedule establishes a single payment standard for each unit size in an FMR area and, if applicable, in a HUD-approved exception rent area within an FMR area.

(c) Payment standard amounts on the payment standard schedule must be within the maximum and minimum limits stated in paragraph (b)(1)(ii) of this section.

Within these limits, payment standard amounts on the schedule may be adjusted annually, at the discretion of the HA, if necessary to assure continued affordability of units in the HA jurisdiction.

- (d) To calculate the housing assistance payment for a family, the HA must use the applicable payment standard from the HA payment standard schedule for the fair market rent area (including the applicable payment standard for any HUD-approved exception rent area) where the unit rented by the family is located.
- (4) Payment standard for certain subsidized projects. For a voucher tenancy in an insured or noninsured Section 236 project, a Section 515 project of the Rural Development Administration, or a section 221(d)(3) below market interest rate project, the payment standard may not exceed the basic rental charge (as defined in 12 U.S.C. 1715z-1(f)(1), including the cost for tenant-paid utilities).
3. **Over-FMR tenancy: Determining amount of assistance**
- (1) Payment standard. For an over-FMR tenancy, the payment standard for the unit size is the FMR/exception rent limit.
 - (2) Over-FMR tenancy assistance formula. For an over-FMR tenancy, the housing assistance payment for a family equals the lesser of:
 - (a) The applicable payment standard minus the total tenant payment; or
 - (b) The monthly gross rent minus the minimum rent as required by law.
4. **Payment standard for this family**
- (1) This paragraph (d) applies to both a voucher tenancy and an over-FMR tenancy.
 - (2) The payment standard for a family is the lower of:
 - (a) The payment standard for the family unit size; or
 - (b) The payment standard for the unit size rented by the family.
 - (3) If the unit rented by a family is located in an exception rent area, the HA must use the appropriate payment standard for the exception rent area.

- (4) During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
- (a) The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
 - (b) The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- (5) If there is a change in family size or composition during the HAP contract term, paragraph (d)(4)(i) of this section does not apply at the next regular reexamination following such change, or thereafter during the term.

6. Over-FMR Tenancy; HA Approval

1. HA discretion to approve.

- (1) At the request of the family, the HA may approve an over-FMR tenancy in accordance with this section.
- (2) Generally, the HA is not required to approve any over-FMR tenancy. However, the HA must approve an over-FMR tenancy in accordance with this section, if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.
- (3) The HA generally will approve over-FMR tenancy if it is to aid in furthering of the goals and objectives of fair housing.

2. Requirements

- (1) Ten percent limit. The HA may not approve additional over-FMR tenancies if the

number of such tenancies currently is ten percent or more of the number of incremental certificate units under the HUD-approved budget for the HA certificate program. "Incremental units" means the number of budgeted certificate units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance.

(2) **Affordability of family share.** The HA may not approve an over-FMR tenancy unless the HA determines that the initial family share is reasonable. In making this determination, the HA must take into account other family expenses, such as child care, unreimbursed medical expenses, and other appropriate family expenses as determined by the HA.

3. **Amount of assistance.** During an over-FMR tenancy, the amount of the housing assistance payment is determined in accordance with Sec. 982.505(c).

4. **The method of selection shall be on a first come, first served basis.** Persons with a disability shall be given a preference in selection.

7. **Regular Tenancy: (How to calculate housing assistance payment)**

The monthly housing assistance payment equals the gross rent, minus the higher of:

1. The total tenant payment; or
2. The minimum rent as required by law

8. **Regular Tenancy: (Limit on initial rent to owner)**

1. **FMR/exception rent limit**

(1) The initial gross rent for any unit may not exceed the FMR/exception rent limit on the date the HA approves the lease.

(2) The FMR/exception rent limit for a family is the lower of:

- (a) The FMR/exception rent limit for the family unit size; or
- (b) The FMR/exception rent limit for the unit size rented by the family.

2. **Reasonable rent.** The initial rent to owner may not exceed a reasonable rent as determined in accordance with Sec. 982.503.

9. **Regular Tenancy: (Annual adjustment of rent to owner)**

1. **When rent is adjusted.** At each annual anniversary date of the HAP contract, the HA must adjust the rent to owner at the request of the owner in accordance with this section.

2. **Amount of annual adjustment**

(1) The adjusted rent to owner equals the lesser of:

- (a) The pre-adjustment rent to owner multiplied by the applicable Section 8 annual adjustment factor, published by HUD in the Federal Register, that is in effect 60 days before the HAP contract anniversary;
- (b) The reasonable rent (as most recently determined or redetermined by the HA in accordance with Sec. 982.503); or
- (c) The amount requested by the owner.

(2) In making the annual adjustment, the pre-adjustment rent to owner does not include any previously approved special adjustments.

(3) The rent to owner may be adjusted up or down in accordance with this section.

(4) Notwithstanding paragraph (b)(1) of this section, the rent to owner for a unit must not be increased at the annual anniversary date unless:

- (a) The owner requests the adjustment by giving notice to the HA; and
- (b) During the year before the annual anniversary date, the owner has complied with all requirements of the HAP contract, including compliance with the

HQS.

- (5) The rent to owner will only be increased for housing assistance payments covering months commencing on the later of:
 - (a) The contract anniversary date; or
 - (b) At least sixty days after the HA receives the owner's request.
- (6) To receive an increase resulting from the annual adjustment for an annual anniversary date, the owner must request the increase at least sixty days before the next annual anniversary date.

10. **Regular Tenancy: (Special adjustment of rent to owner)**

1. **Substantial and general cost increases**

- (1) At HUD's sole discretion, HUD may approve a special adjustment of the rent to owner to reflect increases in the actual and necessary costs of owning and maintaining the unit because of substantial and general increases in:
 - (a) Real property taxes;
 - (b) Special governmental assessments;
 - (c) Utility rates; or
 - (d) Costs of utilities not covered by regulated rates

- (2) An HA may make a special adjustment of the rent to owner only if the adjustment has been approved by HUD. The owner does not have any right to receive a special adjustment.
2. **Reasonable rent:** The adjusted rent may not exceed the reasonable rent. The owner may not receive a special adjustment if the adjusted rent would exceed the reasonable rent.
3. **Terms of special adjustment**
 - (1) The HA may withdraw or limit the term of any special adjustment.
 - (2) If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a temporary or one-time increase of the rent to owner.
11. **Rent to Owner: (Effect of rent control)** In addition to the rent reasonableness limit under this subpart, the amount of rent to owner also may be subject to rent control limits under State or local law.
12. **Rent to Owner: (In subsidized projects)**
 1. **Subsidized rent**
 - (1) The rent to owner in an insured or noninsured Section 236 project, a Section 515 project of the Rural Development Administration, a Section 202 project or a Section 221(d)(3) below market interest rate is the subsidized rent.
 - (2) During the assisted tenancy, the rent to owner must be adjusted to follow the subsidized rent, and must not be adjusted by applying the published Section 8 annual adjustment factors. For such units, special adjustments may not be granted. The following sections do not apply to a tenancy in a subsidized project described in paragraph (a)(1) of this section: sevc. 982.509 (annual adjustment) and Sec. 982.510 (special adjustment).

2. **HOME.** For units assisted under the HOME program, rents are subject to requirements of the HOME program (24 CFR 92.252).
3. **Other subsidy:** HA discretion to reduce rent. In the case of a regular tenancy, the HA may require the owner to reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants or other subsidized financing.

13. Other Fees and Charges

1. The cost of meals or supportive services may not be included in the rent to owner, and the value of meals or supportive services may not be included in the calculation of reasonable rent.
2. The lease may not require the tenant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.
3. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

14. Distribution of Housing Assistance Payment

The monthly housing assistance payment is distributed as follows:

- A. The HA pays the owner the lesser of the housing assistance payment or the rent to owner.

- B. If the housing assistance payment exceeds the rent to owner, the HA may pay the balance of the housing assistance payment either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

15. **Family Share: (Family responsibility)**

- A. The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.
- B. The HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the family share. Payment of the family share is the responsibility of the family.

16. **Family Income and Composition: (Regular and interim examinations)**

- A. HA responsibility for reexamination and verification.
 - (1) The HA's responsibilities for reexamining family income and composition are specified in 24 CFR part 5, subpart F.
 - (2) The HA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:
 - (a) Reported family annual income;
 - (b) The value of assets;
 - (c) Expenses related to deduction from annual income; and
 - (d) Other factors that affect the determination of adjusted income.
- B. When HA conducts interim reexamination.
 - (1) At any time, the HA may conduct an interim reexamination of family income and composition.

- (2) At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The HA must make the interim determination within a reasonable time after the family request.
 - (3) Interim examinations must be conducted in accordance with policies in the HA administrative plan.
- C. Family reporting of change. The HA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.
- D. Effective date of reexamination
- (1) The HA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim redetermination.
 - (2) At the effective date of a regular or interim reexamination, the HA must make appropriate adjustments in the housing assistance payment and family unit size.
- E. Family member income. Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The HA must conduct a reexamination to determine such additional income, and must make appropriate adjustments in the housing assistance payment and family unit size.

17. **Utility Allowance Schedule**

A. **Maintaining Schedule**

- (1) The HA must maintain a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).
- (2) The HA must give HUD a copy of the utility allowance schedule. At HUD's request, the HA also must provide any information or procedures used in preparation of the schedule.

SECTION XXV. AFFORDABILITY ADJUSTMENTS AND RENT PROVISIONS-VOUCHER ONLY

1. **Annual Increases of Payment Standards.** The HA, in its discretion, may adopt annual increases of payment standards amounts on the payment standard schedule so that families can continue to afford to lease units with assistance under the Housing Voucher Program (Reference 24 CFR 982.617). In determining when an adjustment to the payment is necessary the HA will consider,
 - A. Rent burden (number of families paying more than 30% of income for rent [if more than ____ percent, the HA may adjust the payment standard]),
 - B. Success rate in leasing vouchers [if less than ____ percent the HA may adjust the payment standard] and
 - C. Percentage of FMR [if payment standard is within ____ percent of the FMR, either higher or lower, the HA may adjust the payment standard]. The HA will also consider the financial utilization of funding provided for vouchers. If the HA

determines that vouchers are not being leased to properly utilize funding, the payment standard may need to be adjusted to increase utilization of available funding.

2. **Rent Negotiation**: Under the Housing Voucher Program, the rent to the owner is a matter of negotiation between the owner and the family. The rent must be within the guidelines of "rent reasonableness", and this rental amount must be certified by the HA as falling within the guidelines of "rent reasonableness". If requested by the family, the HA must also assist the family in negotiating a reasonable rent with the owner. (Reference 24 CFR 982.309).
3. **Rent Increase**: The rent to owner may not be increased during the first year of the lease. The lease may provide that the owner may increase the rent at any time after the first anniversary of the lease, but the owner must give the tenant and the HA 60 days written notice of any increase before it takes effect. (Reference 982.309).
4. **HA Disapproval of Lease**: The HA may disapprove a lease for a rent that is not reasonable, based on rents charged for comparable rental units. HAs may exercise this authority in communities where the market is not functioning normally or where some families are not able to negotiate reasonable rent on their own. For example, where there is a concentration of ownership by a small number of landlords, or where rents charged to voucher holders are greater than rents charged to certificate holders living in comparable units. A HA must document each case in which it disapproves a lease because the rent is not reasonable. (Reference 982.309).

SECTION XXVI. SECURITY DEPOSIT

The owner establishes the amount of the security deposit to be charged. The security deposit should be consistent with private market practice, or security deposits for the owner's unassisted units. When the tenant moves out of the dwelling unit, the owner, subject to State and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease. The owner must give the tenant a written list of all charges against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

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

Note: The HA is not responsible for any damages to the unit and will not process any damage claims for HAP contract signed after October 2, 1995.

SECTION XXVII. TERMINATION OF TENANCY BY OWNER

1. **Reasons for Termination:** The Owner shall not terminate the tenancy of the Family except for:
 - A. Serious or repeated violation of the terms and conditions of the Lease;
 - B. Criminal Activity by the tenant, any member of the household, a guest or another person under the tenant's control shall be cause for termination of tenancy. Criminal activity is defined as, criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or by persons

residing in the immediate vicinity of the premises.

- C. Violation of Federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
 - D. Other good cause, which may include, but not be limited to: failure by the family to accept the offer of a new lease or revision; a family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to lease the unit at a higher rental). If the owner terminates the tenancy for a business or economic reason the owner must provide the tenant with a 90 day notice.
2. **Eviction by Court Action:** The Owner may evict the Family from the Contract unit only by instituting a court action. The Owner must notify the HA, in writing, of the commencement of procedures for termination of tenancy, at the same time that the Owner gives notice to the Family under State law.
 3. **Written Notice:** Owners must provide written notice of not less than 90 days before termination of a tenant-based housing assistance payment (HAP) contract and not less than 1 year before termination of a project-based certificate or moderate rehabilitation HAP contract because of an owner opt-out or expiration of the HAP contract. Copies of these notices must be provide to the HA. (Reference HUD Notice PIH 93-54, issued October 19, 1993 and 24 CFR 982.455).
 4. **Termination During First Year:** During the first year of the lease term, the owner may

not terminate the tenancy for "other good cause", unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for "other good cause", based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of tenancy (See 1 D above).

SECTION XXVIII. TERMINATION OF HOUSING ASSISTANCE PAYMENT (HAP) CONTRACT

1. Termination of HAP Contract When the Unit is too Big or Too Small: If the HA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the HA must issue the family a new certificate or voucher, and the family and HA must try to find an acceptable unit as soon as possible. When the subsidy is too big for the family size, for the tenant-based certificate program only, the HA must issue the family a new certificate, and the family and the HA must try to find an acceptable unit as soon as possible. If the family is residing in a dwelling unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standard and the gross rent for the unit (sum of the contract rent plus any utility allowance for the unit size leased) exceeds the FMR or exception rent, the HA must notify the family that exceptions to the subsidy standard may be granted, and the circumstances in which the HA may grant an exception. If an acceptable unit is available for rental by the family within the FMR/exception rent

limit, the HA must terminate the HAP contract in accordance with its terms.

2. **Breach of Contract**: Termination of HAP contract for owner breach of contract. Breaches of the contract of outlines in the contract.
3. **Automatic Terminate of HAP Contract**: The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

SECTION XXIX. 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 Certificate and Voucher moves:

- The 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 are within commuting distance from our HA.

The Certificates and Vouchers can be administered and serviced by these HA's Municipalities without having to assign them to, or receive them from, our HA.

SECTION XXX. 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 (independent) verification. If third party verification cannot be used, the HA will document in the file why another method was used.

The policy also applies to all other Program verification requirements.

SECTION XXXI. 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 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 Certificate and 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.

Note: The HUD-approved Action Plan for the Family Self-Sufficiency Program (FSS) constitutes part of this Administrative Plan.

Programa de Autosuficiencia Familiar
(Family Self-Sufficiency, FSS)

Objetivo del programa: Ayudar a las familias desempleadas o subempleadas a obtener un empleo que les permita ser autosuficiente. Para efectos del programa autosuficiencia significa no depender de los programas de bienestar social del gobierno.

La participación de las familias en este programa es voluntaria. El programa requiere un manejador de casos para desarrollar las metas contenidas en el plan de trabajo para lograr la autosuficiencia en un periodo de 5 años máximo que debe durar el plan.

Las metas deben incluir educación, adiestramiento especializado, preparación para el empleo, ubicación en empleo y el desarrollo de carreras.

Las metas para cada miembro de la familia participante se definen en el Plan Individual de Adiestramiento y Servicio que se adjuntará al contrato de participación en el PAF.

Una vez las familias alcanzan las metas y cumplen con su contrato, la familia es elegible para recibir los fondos depositados en una cuenta especial en su beneficio durante el tiempo que dura la participación de la familia en el programa.

El éxito del programa se define a base del número de familias que recibieron ayuda para:

- Obtener un primer empleo o un empleo con una paga más alta
- Independizarse de los programas de asistencia pública
- Obtener un diploma de escuela superior o un grado de educación más alta
- Alcanzar metas similares que ayude a la familia en lograr su independencia económica

Cada familia que cumple con lo estipulado en el contrato de participación y se gradúa del programa el Programa de Sección 8 reduce un espacio. Si la familia abandona el programa sin completar sus obligaciones bajo el contrato, el programa tiene una vacante que se podrá llenar con otra familia.

La agencia podrá solicitar que se le exima de la implantación o reducción del programa, si puede demostrar que las circunstancias imperantes impiden la implantación del mismo. Situaciones demostrables tales como:

- Falta de servicios de apoyo de entidades invitadas a participar
- Falta de fondos para costos administrativos razonable
- Falta de cooperación de agencias estatales y gubernamentales
- Falta de interés familiar

Diseño y Administración del Programa

Comité Coordinador de Programa (CCP)

La función del comité coordinador es asegurar que se cumplan los compromisos contraídos por las Agencias públicas y privadas para la operación del programa. Además debe asistir al PSS en la implantación del plan. Este comité tiene que incluir representantes del PSS.

Los miembros de este comité deben también incluir representantes del gobierno local y los programas federales que reciben fondos del Departamento Trabajo Federal.

También debe haber miembros de organizaciones de servicio, grupos cívicos, agencias de gobierno y otras organizaciones comunitarias que tengan autoridad para dedicar recursos al programa. Programas de Sección 8 vecinos pueden utilizar el mismo comité si así lo determinan.

Plan de Acción

Antes de implantar el programa, se requiere desarrollar un plan de acción que describa las políticas y procedimientos a seguir en la operación del programa. Esta debe consultarse con el CEO y con el CCP. El plan inicial debe someterse a HUD para su aprobación. Cambios posteriores al plan no requieren ser sometidos a HUD a menos que contenga cambios en la política del plan o aumento en el tamaño del programa.

El plan de acción debe contener:

- Características demográficas de la familia y los servicios de apoyo necesarios
- Número de familias participantes
- Esfuerzos para reclutar las familias
- Incentivos para mejorar la participación de las familias
- Actividades y servicios de apoyo del PAF
- Método para identificar las necesidades de apoyo de la familia
- Certeza de que no se interferirá con los derechos de las familias no participantes (certificación de que a las familias que no deseen participar no le será negado el derecho a participar en el programa regular)
- Calendario para la implantación del programa
- Certificación de coordinación – Certificación de que el desarrollo de los servicios y actividades programadas a ser provistos bajo el sub-programa ha sido coordinada con las agencias públicas y privadas incluyendo el programa JOBS, WIA y otros programas financiados con fondos federales.

El plan de acción debe describir todas las políticas en las cuales el programa tiene discreción de implantar tales como:

- Políticas y procedimientos para seleccionar las familias
- Políticas para terminar el subsidio bajo el PSS, los servicios de apoyo del PAF por no cumplir con el contrato de participación
- Acciones a seguir cuando la familia no reporta ingresos
- Procedimientos a seguir para la celebración de vistas

Política y procedimientos a seguir para denegar servicios a familias que deban dinero al PSS o a familias dadas de baja del PAF
Políticas para proveer preferencias a familias con portabilidad en caso de que el PSS ofrezca esta preferencia a sus participantes.

Administración del Programa

Selección de participantes

El PSS puede establecer preferencia hasta el 50% de sus espacios disponibles a las familias que ya tienen un miembro participando en un programa de servicio relacionado al PAF o en lista de espera.

Si el programa adopta la preferencia en el proceso de selección el plan de acción del PAF debe describir lo siguiente:

- El % de espacios que otorgará
- El programa o programas que calificaría a la familia para obtener la preferencia.
- El método para recutar y los procedimientos para seleccionar las familias en dichos programas.

Para aquellas familias a ser seleccionadas sin preferencias el PSS debe adoptar y describir en su plan de acción y un sistema objetivo como: lotería, tiempo que la familia ha estado en el PSS y la fecha en que la familia expresó interés en participar del PAF.

No se podrá seleccionar las familias basado en el nivel educativo, historia laboral, experiencia en el empleo, historial de crédito, estatus familiar, número de hijos, destrezas, o cualquier otro factor que pueda discriminar contra personas con incapacidad o otro grupo minoritario.

Contrato de Participación

El contrato de participación se establece entre el jefe de la familia y el PSS. En el contrato se establecen las obligaciones de cada parte. Al contrato se adjunta el Plan de Adiestramiento y Servicios a ser provistos, las actividades a ser completadas por cada miembro de la familia y las fechas de cumplimiento para los servicios y actividades acordadas.

El plan establece además, metas interinas y finales por medio de las cuales el PSS y la familia podrán medir el progreso de la familia hacia la autosuficiencia. Para todas las familias existe una meta interina de no recibir asistencia económica gubernamental 12 meses antes del cumplimiento con el contrato. También se le requiere a la familia el cumplimiento con sus obligaciones con el arrendador.

El contrato de participación debe ser ejecutado no más de 120 días después del re-examen anual o re-examen más reciente. Si han pasado más de 120 días desde el último re-examen, un nuevo re-examen debe realizarse. El contrato enumerará el ingreso anual familiar, ingreso ganado, y el pago total de la familia (TTP), cuando esta se inicia en el PAF.

Durante el término del contrato, los aumentos en ingreso ganado y el TTP se comparan a las cantidades iniciales para calcular los créditos a incluirse en la cuenta especial de la familia (escrow account).

El contrato será efectivo el día primero después de la ejecución del contrato de participación.

Duración del Contrato

El contrato de participación es por un periodo de 5 años. El programa puede dar una extensión de no más de 2 años adicionales de ser solicitado por escrito por la familia por razones de peso tales como: enfermedad y pérdida involuntaria del empleo.

El PS8 puede además extender para permitirle a la familia alcanzar su meta interina de salir de las filas de asistencia gubernamental por los 12 meses requeridos.

El contrato se ha completado y la familia terminado su contrato en PAF cuando:

- La familia completó todo lo estipulado en el contrato en o antes de la fecha de expiración del mismo.

- El 30% del ingreso mensual ajustado de la familia es igual o superior a lo incluido en las tablas de FMR publicadas por HUD. Una familia puede reclamar los ingresos en la cuenta especial (ESCROW), si no están recibiendo asistencia del gobierno, no obstante el requisito de 12 meses consecutivos sin asistencia del gobierno no aplica.

- La familia puede estar recibiendo asistencia para el pago de su renta bajo el PS8

Adiestramiento Individual y Plan de Servicios

Todo contrato bajo PAF tiene que incluir un plan de adiestramiento y un plan de servicio para el jefe de la familia. Otros miembros de la familia también pueden tenerlo.

Aunque al jefe de familia se le requiere obtener y mantener un empleo durante el término del contrato, es permitido que este asista a la escuela a tiempo completo antes de buscar empleo.

El plan de adiestramiento y de servicios debe ser revisado regularmente con la familia y cambiado de ser necesario de acuerdo a nuevos intereses y circunstancias.

Modificación del Contrato

El programa podrá modificar el contrato de una familia participante del PAF por mutuo acuerdo con la familia para:

- Modificar el plan individual de adiestramiento

- Extender la duración del contrato por dos años adicionales

- Cambiar el jefe de familia si el jefe designado se muda dejando al grupo familiar en la residencia

El programa podrá modificar el contrato de participación de la familia si la agencia de servicio social falla en ofrecer los servicios de apoyo incluidos en el plan. Si el servicio puede ser ofrecido por otra agencia, el programa podrá hacer un esfuerzo para asegurar le presten los mismos en esta.

Si se determina que los servicios no son necesarios, pueden ser eliminados del plan. Si los servicios son necesarios, y no se consigue agencia que los preste, el programa tendrá que declarar el contrato nulo. El anular el contrato por no tener los servicios disponibles no es base para terminar el subsidio de renta a la familia.

Terminación del Contrato

El contrato de PAF se cancela automáticamente cuando se termina el subsidio de vivienda. El contrato puede ser terminado además por:

- Mutuo consentimiento
- Fallo de la familia en honrar los términos del contrato
- Salida de la familia del programa
- Cualquier otro acto inconsistente con el propósito del programa

El programa tiene que adoptar políticas especificando los procedimientos de quejas disponibles para las familias participantes del PAF que deseen quejarse de una decisión del PSS sobre decisiones tomadas a la participación de la familia en el PAF.

Terminación del Subsidio de Renta

Las regulaciones programáticas le permiten al PSS terminar o mantener el subsidio de vivienda a las familias que no cumplen sin causa razonable en cumplir con los términos del contrato del PAF. El PSS puede optar por una política de no terminación del subsidio en casos de familias que no cumplan con el contrato del PAF.

La práctica de terminar las familias por no cumplir, puede motivar las familias a no participar del PAF. En lugar de terminar el subsidio, el programa debe trabajar con las familias lo que más pueda, revisando los planes regularmente para guiarlas al logro de sus metas.

Cuenta Especial (Escrow Account)

El PAF provee para el establecimiento de cuentas de ahorro o "escrow account". La cantidad depositada en esta cuenta le corresponde a la familia después de descontar cualquier deuda con el PSS una vez se ha cumplido los términos del contrato y se ha certificado que ningún miembro de la familia recibe asistencia gubernamental.

El programa tiene que informarle anualmente a la familia el balance de la cuenta incluyendo:

- El balance al inicio del periodo
- La cantidad acreditada durante el periodo
- Cualquier deducción por cantidades vencidas antes de la distribución del interés.
- Los intereses ganados
- Cantidad total en la cuenta al final del periodo que se informa

Las familias participantes no tienen que pagar contribuciones por los ingresos provenientes de sus cuentas "escrows" al IRS.

Devolución de los Fondos de las Cuentas

La familia es elegible para recibir los ingresos de las cuentas escrow si:

Ha cumplido sus obligaciones bajo el contrato y el jefe de la familia certifica que ningún miembro de la familia ha recibido asistencia gubernamental durante los pasados 12 meses.

Cuando 30% del ingreso ajustado es igual o mayor el VMR para la familia, se considera que la familia ha cumplido con todas las obligaciones aún cuando miembros de esta no hayan completado las actividades en su plan. En este caso el jefe de familia tiene que certificar que ningún miembro de la familia recibe asistencia económica del gobierno, pero el requisito de no haber estado recibiendo ayuda durante los 12 meses no aplica.

El PSS tiene que verificar que la familia no recibe asistencia económica del gobierno.

Ayuda económica del gobierno incluye:

Beneficios no recurrentes, por corto tiempo para atender necesidades especiales o una crisis, que no se extienda por más de 4 meses.

Subsidio de empleo

Servicios de apoyo (ejemplos: servicios de transportación, cuidado de niños) que se proveen a familias que trabajan.

Devoluciones de contribución sobre ingresos

Contribuciones para, y distribuciones de cuentas bajo TANF

Servicios que no proveen ingresos

Transportación

Cantidades destinadas a cubrir gastos del hogar

Cantidades para cuidado de la salud

Cupones de alimentos

Seguro Social o SSI, SSDI

Si el jefe de familia original no reside en el hogar la familia seleccionará otro miembro que reciba los ingresos de la cuenta.

Desembolso Interino de los Fondos de la Cuenta Escrow

El PSS puede permitirle a la familia retirar una porción de los fondos bajo la cuenta antes del periodo, si determina que la familia ha cumplido las metas interinas y requiere una porción de los fondos para propósitos consistentes con lo estipulado en el contrato. Antes de anticiparle los fondos el programa debe tratar de ayudar a la familia a identificar otras fuentes para obtener los fondos y mantener los fondos de la cuenta intactos.

Si la familia no cumple lo estipulado en el contrato, la familia no tiene que devolver la cantidad recibida a menos que el pago se haya hecho basado en información fraudulenta.

La decisión de adelantarle fondos a la familia es una decisión única del programa.

Necesidades para las cuales se le puede adelantar fondos a las familias:

Completar escuela graduada, colegio o para adiestramiento en empleo

Gastos iniciales para operar un negocio pequeño
Compra de un automóvil para transportarse al empleo
Compra de una vivienda

Municipality of Dorado Housing Choice Voucher Program Homeownership Option

The Section 8 Housing Choice Voucher Program administered by the Municipality of Dorado will provide homeownership (HO) assistance for first time home buyers only defined and in accordance with HUD policy (24 CFR Part 982 subpart M). Under this Homeownership Option, the municipality of Dorado will use Voucher funding available under the Annual Contributions Contract (ACC) with HUD to help families with “tenant-based assistance” to purchase existing housing, in order to meet monthly homeownership assistance will not be provided to purchase a unit with Section 8 project-based subsidy.

The Homeownership Option will be offered to current participants. The Homeownership Option will initially be limited up to 3% of current participating families and to one time only.

I. Monthly Homeownership Assistance Payment

A. Eligibility Requirements

For purposes of implementation of the Homeownership Option, in addition to the requirements of 24 CFR 982, the following requirements as added as permitted by regulation:

1. The family must be accurate participant of the Section 8 Voucher Program and must be in good standing with the Municipality of Dorado, Section 8 Program (no mayor lease or family obligation violation within the past six months). As indicated earlier be first-time homeownership, as defined by HUD.
2. The family must have sufficient economic resource to pay a down payment equal to 3% of the purchase price of a typical home that meets their family household size and for closing costs. At least 1% of down payment must come from the family’s personal resources.
3. Family must have an acceptable credit history (families unable to meet these criteria initially will be referred to credit counseling and then reconsidered for the program).
4. Family must meet minimum level of non-welfare income of \$10,300.00 (Federal minimum wage multiplied by 2000 hours). Also, family must demonstrate sufficient gross income to meet Program’s minimum income standard. Family must also demonstrate that head or spouse is employed on a full time basis and has been continuously employed for one year (except for elderly and disabled).
5. Head or spouse has no previous default on mortgage.
6. The family must attend and successfully compete a pre-assistance homeownership counseling program or on conducted by a HUD approved housing counseling agency.

7. Must complete the pre-qualification process with the identified financial entity.
8. The family must sign a Statement of Homeownership Obligations.
9. Family must not have any outstanding debt to the Section 8 Program for previous damages or unpaid rent.

B. Maximum Time to Locate and Purchase a Home

Eligible families that compete the pre qualifications process will then be issued a Voucher to locate a home. They will be given a timeframe of 5 months to locate a home, secure financing and purchasing. A 30 day extension may be given on a case-by case basis depending on the effort made by the family to find a suitable home. The family will be required to provide the Municipality's Program with semi-monthly reports on their progress. Only existing housing can be considered or a unit that is under construction. The time frame allotted to locate a home, secure financing and purchasing may not exceed 6 months.

If the family fails to find a home to purchase within the allotted time frame the Homeownership Voucher will be rescinded and the family will revert to a Housing Choice Voucher rental program participant.

C. Counseling

Eligible families must attend and satisfactorily complete a pre-purchase homeownership counseling program before a voucher can be issued to locate a home. The counseling program will be address issues concerning:

1. How to locate a home
2. Home maintenance (including care of the grounds)
3. Budgeting and money management
4. Credit counseling
5. How to obtain homeownership financing
6. Responsibility of owning a home
7. Purchasing adequate home insurance including flood, insurance, if necessary.
The family must also participate in ongoing homeownership counseling, as required by the Municipality's Office of Section 8 Program. The extend and frequency of counseling will be established at the time homeownership assistance begins depending on the family's particular situation.

D. Home Inspections

There will be two types or required physical inspections:

1. A Housing Quality Standard (HQS) inspection will be done by the municipality of Dorado, Office of Section 8 Housing Program to assure it is decent, safe, sanitary and this habitable.

2. Inspection by and Independent Professional Inspector to address structural items. All costs fro this inspection must be paid by the family. The purpose or this inspection is to identify home defects and to assess the adequacy and life span of the mayor building components, appliances and other structural components. The inspector must meet all local and federal requirements and be independent of and not referred by the seller or realtor and may not be an employee of the Municipality of Dorado, contractor or other person under the Municipality's control.

The independent inspector must cover:

1. Foundation and structure
2. Housing interior and exterior
3. Roofing, plumbing, electrical and water heating systems.

Upon completion of inspections, the inspector will provide the Municipality of Dorado, Office of Section 8 Housing Program and to the family with copies of the corresponding report. The home may be disapproved by the Municipality's Section 8 Housing Program based on reported findings.

Both family and Municipality's Office of Section 8 Program will determine if any pre-purchase repairs are necessary. Should repairs be necessary, the seller is responsible and obligated to pay for them, not the family.

E. Financing

The mortgage must be affordable to the family. Affordability will be determined by taking into consideration the monthly homeownership expense plus all other financial obligations of the family.

The following types of financing will be prohibited:

1. Financing which includes balloon payments
2. Private seller financing
3. Variable interest notes

The mortgage must be insured on guaranteed by the state on Federal Government, comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.

The family must provide a copy of contract of sale which specifies the following:

1. Sales price and other terms of sale by the seller to the purchaser
2. That the purchase inspection of the dwelling unit by an independent inspector selected by the purchaser
3. That the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser.

4. That the purchaser is not obligated to pay for any necessary repairs.
5. A certification from the seller that he or she has not been debarred, suspended, or subject to a limited denial participation under Part 24 of the Federal Regulations.

F. Homeownership Assistance Payments

The Municipality of Dorado will use its Voucher Program Payment Standard Schedule and Utility Allowance Schedule. No separate “homeownership” payment schedule will be established.

The Homeownership Assistance Payments (HOP) monthly check will be made payable to the order of the family and the lending institution to cover the required monthly mortgage payment. In the case that the family qualifies for a utility allowance payment, the monthly check will separately be made to the order of the family.

In the case of housing cooperatives and condominiums, if the family is required to pay for security, routine maintenance costs and/or repairs and replacements, the required monthly checks will be made to the family and the organization having custody of such payments.

The calculation for the Homeownership Assistance Payment will be derived by modifying the existing voucher calculation and will be the lesser of:

1. Payment Standard minus Total Tenant Payment
2. Family’s monthly Homeownership Payment

Homeownership Expenses will include the following:

1. Principal and Mortgage Interest (P&I)
2. Mortgage Insurance Premium (MIP)
3. Taxes and Insurance (T&I)
4. Allowance for utilities
5. The cooperative charge or the maintenance and operating costs assessed by the homeowners association (in the case of condos and coops only)

G. Time Limits on Assistance

Up to a maximum 15 years limit is set if the initial mortgage has a term of 20 years or longer. A 10 year limit applies in all other cases. Time limit applies from the initial purchase, regardless the family moves to a new unit. Time limits do not apply to elderly or disable families.

H. Denial or Termination

As soon as a family is determined to be no longer eligible to continue receiving the Homeownership Assistance Payments, said assistance will be terminated as of the date of said determination.

If the family defaults on the mortgage, the Municipality of Dorado, Section 8 Program will terminate homeownership assistance and reserves the right not to allow the family to participate in the Section 8 Housing Choice Voucher Rental Assistance Program.

I. On-Going Functions

The Municipality of Dorado, Section 8 Program will continue to schedule and conduct the annual re-certification for homeownership participants no annual Housing Quality Inspections are required. The Municipality of Dorado shall be entitled to ongoing voucher administrative fees.

J. Portability

The family may select an existing home within the Municipality of Dorado jurisdiction or may exercise portability if the receiving PHA is administrating units under an approved homeownership program.

1. Receiving PHA may absorb families into their programs, or bill the initial PHA (Municipality of Dorado)
2. The receiving PHA will be responsible for providing counseling sessions.
3. Homeownership policies of the receiving PHA shall prevail.

II. Single Down payment Assistance Grant

Section 301 of the American Homeownership and Economic Assistance Act approved December 27, 2000 amended Section 8 (y) to authorize an alternative form of assistance under the homeownership option, into the form of a single down payment assistance grant. 24 CFR Part 982.643 of the Final Rule published in the Federal Register of October 18, 2002, effective on November 18, 2002 describes the requirements applicable to down payment assistance grants.

Under this alternative, the Municipality of Dorado, Section 8 Voucher Program will provide homeownership assistance for a family in the forms of a single down payment and closing costs assistance grant. If a family receives a down payment and closing costs assistance grant, it may not receive monthly homeownership assistance payments.

A. Eligibility for Down Payments and Closing Costs Assistance

To receive a down payment and closing costs assistance grant, the family must meet all the eligibility requirements for participation in the homeownership option, except for Item number I, A, 2: previously specified here on under monthly Homeownership Assistance Payment (3% down payment).

A down payment grant is a one-time assistance payment. Accordingly, those regulatory provisions that established ongoing homeownership assistance requirements r procedures would not apply to the down payment assistance grant.

B. Maximum Down Payment Grant

The maximum down payment and closing costs grant may not exceed the amount that is equal to the sum of the assistance payment that would be made during the first year of assistance on behalf of the family, based on the income of the family at the time the grant is to be made. Any amount of down payment and closing costs exceeding the maximum assistance payment shall be paid by the family. Specifically, a down payment and closing costs assistance grant may not exceed twelve times the payment standard minus the total tenant payment, as calculated in accordance with Part 50628 of 24 CRF. Homeownership expenses will not be considered in determining the maximum grant amount.

In the case of a family that purchases a home outside the initial PHA's jurisdiction, the maximum down payment grant shall be calculated using the receiving PHA payment standard and policies.

In order to receive the assistance grant, the family must sign a sale contract with the seller.

C. Payment of Grant

The down payment closing cash assistance grant shall be paid at the closing of the family's purchase of the home and will be paid at the order of the family and the lender institution.

D. Closing Costs

Closing costs to be considered in the grant will include the following fees and charges:

1. Mortgage Origination fees
2. Mortgage loan discount points
3. Approval fees
4. Credit Report fees
5. Title Search fees
6. Attorney's fees
7. Recording fees

8. Title Insurance
9. Prepaid Items, such as:
 - A) Partial mortgage interest
 - B) Hazard and flood insurance
 - C) Property taxes

E. Requirements to revert to the Housing Choice Voucher Rental Program

The family that received assistance for the down payment and closing costs of a home purchased by that family may revert to the regular Housing Choice Voucher Rental Program if the following conditions are met:

1. The family must not have title of a home (the family must have sold the housing unit)
2. A period of not less than 18 months have elapsed since the down payment and closing costs grant was received by the family
3. The family must enter again in the waiting list
4. The family will not participate again in the homeownership assistance option

Mr.
Director
Caribbean HUB/Office of Public Housing
U.S. Department of Housing
& Urban Development
171 Carlos Chardon Ave. Suite 300
San Juan P.R. 00918-090

Dear Mr.

Subject: Amendment to Administrative Plan-
Housing Choice Voucher Program, Municipality of Dorado –
Homeownership Assistance Option

For your review and acceptance, we are enclosing the required documentation prepared by our Section 8 Office of Housing, to incorporate the Homeownership Assistance Option to our Section 8 Program, Administrative Plan.

As you may notice from the enclosed documentation, we propose to offer and provide either of the two types of homeownership assistance to our eligible families, as per their selection.

We have the commitment to implement the homeownership option as soon as possible and we are capable of administer it with success. We shall appreciate your prompt action on the subject matter.

Should you need further information or clarification, please contact Miss Sandra Morales, Section 8 Director at 787-796-1230 ext. 254.

Sincerely,

Hon. Carlos A. López Rivera
Mayor

Enclosure

