

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 Toa Baja

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 Toa Baja

PHA Number: RQ022

PHA Fiscal Year Beginning: 07/2008

PHA Programs Administered:

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

Section 8 Only
 Number of S8 units: **244**

Public Housing Only
 Number of public housing units:

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

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

PHA Plan Contact Information:

Name: Mrs. Carmen Corazón
 TDD: (787) 784-1121

Phone: (787) 261-0244 xt. 402
 Email (if available): toabahud@tld.net

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: **DOES NOT APPLY**

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

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

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

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

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

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

DOES NOT APPLY

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.

DOES NOT APPLY

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.)
Not for now. The PHA will first work with its FSS Program.

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?N/A

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: **DOES NOT 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): **DOES NOT APPLY**

5. PHA Statement of Consistency with the Consolidated Plan

[24 CFR Part 903.15]

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

1. Consolidated Plan jurisdiction: (provide name here)

Municipality of Toa Baja Consolidated Plan

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

- 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)
 - Apply for additional Federal Funds.*
 - Make alliances with public and private organizations to provide supportive and educational services to tenants.*

Other: (list below)

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

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
X	<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 checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
	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
X	Any policies governing any Section 8 special housing types <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
	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
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs <input type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
X	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
X	Other supporting documents (optional) (list individually; use as many lines as necessary) -FSS Action Plan	(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

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
		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 Collaterization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)				
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

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 FFY Grant: PHA FY:	Work Statement for Year 3 FFY Grant: PHA FY:	Work Statement for Year 4 FFY Grant: PHA FY:	Work Statement for Year 5 FFY Grant: PHA FY:
	Annual Statement				
CFP Funds Listed for 5-year planning					
Replacement Housing Factor Funds					

B. CERTIFICATIONS TO BE SUBMITTED 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.*

(Attached next)

C. COMPLIANCE WITH §903.11(c)(3) (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

To comply with the requirements of 24 CFR Part 903.11(c)(3) and as established in the Federal Register of November 8, 2004 (Vol. 69, No. 215, Page 64826), the PHA lists as follows, the policies and programs on §903.11(c)(3)) that have been revised since submission of its last Annual Plan:

(Other reference: Notice PIH 2003-21 (HA))

Policies/Programs on §903.11(c)(3)	Related Certification or Plan Component (of this template)
<i>(a) A statement of housing needs.</i>	Component A (<i>Section 5: Consistency w/Consolidated Plan + Section 6: Supporting Documents</i>); Component B (<i>Certification Form HUD-50076</i>); and, Component D (<i>Other Components: Attachment 3</i>)
<i>(b) A statement of the PHA's deconcentration and other policies that govern eligibility, selection, and admissions.</i>	Component B (<i>Certification Form HUD-50076</i>)
<i>(c) A statement of financial resources.</i>	Component A (<i>Section 6: Supporting Documents</i>);and, Component B (<i>Certification Form HUD-50076</i>)
<i>(d) A statement of the PHA's rent determination policies.</i>	Component A (<i>Section 6: Supporting Documents</i>); Component B (<i>Certification Form HUD-50076</i>); and, Component D (<i>Other Components: Attachment 1</i>)
<i>(e) A statement of the PHA's operation and management.</i>	Component A (<i>Section 6: Supporting Documents</i>); and, Component B (<i>Certification Form HUD-50076</i>)
<i>(f) A statement of the PHA grievance procedures.</i>	Component A (<i>Section 6: Supporting Documents</i>); and, Component B (<i>Certification Form HUD-50076</i>)
<i>(k) A statement of homeownership programs administered by the PHA.</i>	Component A (<i>Section 3: Homeownership + Section 6: Supporting Documents</i>); and, Component B (<i>Certification Form HUD-50076</i>)
<i>(l) A statement of the PHA's community service and self-sufficiency programs.</i>	Component A (<i>Section 6: Supporting Documents</i>); and, Component B (<i>Certification Form HUD-50076</i>)
<i>(o) Civil rights certification.</i>	Component A (<i>Section 6: Supporting Documents</i>); and, Component B (<i>Certification Form HUD-50076</i>)
<i>(p) Recent results of PHA's fiscal year audit.</i>	Component A (<i>Section 6: Supporting Documents</i>); and, Component B (<i>Certification Form HUD-50076</i>)
<i>(r) Additional information to be provided.</i>	Component D (<i>Other Components: Attachments 1 to 8</i>)

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

List of Additional Information and Attachments:

1. Amendment from Last Annual Plan: Rent Determination Policy (Minimum Rent & Payment Standard)
2. Progress in meeting 5-year mission and goals
3. Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan
4. List of Persons assisting the meeting to designate the Participant Board and to revise the draft for Public Hearing and Review
5. Newspaper Ad Promoting and Announcing the Hearing Process
6. List of Persons Assisting the Public Hearing
7. Consultation Process: Comments of the Resident Advisory Board or Boards & Explanation of PHA Response
8. Membership of the Resident Advisory Board or Boards

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

**Amendment from Last Annual Plan: Rent Determination Policy
(Minimum Rent & Payment Standard)**

1. Minimum Rent

The PHA's minimum rent will be \$0.00

2. Payment (PMT) Standard

Due to changes in the FMRs of its jurisdiction, the Municipality of Toa Baja revised its Payment Standard and will establish it at 100.

3. Preferences

The following table lists the program preferences:

Preferences	
1	Persons with disabilities (any member of the family)
	Hate crime victims
	Home Fire Victims
2	Victims of Domestic violence (Must provide current court order)
3	Evictions (Must provide evidence of eviction notice)
4	Elderly Persons
5	Toa Baja's Residents

Preference Definitions

Persons with Disabilities: This preference will apply to all family members living under the same roof.

Hate Crimes: This preference will apply to persons that have been victims, witnesses, or have been relate in any way to hate crimes.

Evictions: This preference will apply to families with children that have been issued final court orders specifying that they need to leave the property on a specific date.

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

Victims of Domestic Violence: This preference will apply only to victims with a current protection order.

Elderly Persons: This preference will apply to persons of sixty two years (62) old and over.

Home Fire Victims: This preference will apply to victims that had suffered fire destruction. If the victim is the **home owner** and qualifies because of low income, the program will provide a temporary voucher for up to 12 months. The voucher will be extended only with the authorization of the program and upon thorough evaluation of the case. If the victim is **renting the property** and qualifies under the Section 8 program income specifications, the program will grant the victim a voucher with preference (with no due date)

Toa Baja's Residents: The Section 8 program will attend Toa Baja's residents before any applicant from other municipalities.

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

Progress in Meeting 5-Year Plan's Mission and Goals

During the past years, the municipality made progress toward accomplishing these objectives. Highlights of achievements are as follows:

PHA Goal: Expand the supply of assisted housing.

The municipality's efforts under this goal include:

- *Continues seeking for opportunities to apply for additional rental vouchers by applying for the Fair Share Allocation of Incremental Voucher Funding (NOFA), and as they become available.*

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

The municipality's efforts under this goal include:

- *All tenants were oriented about the mobility and portability options of the voucher program, during the initial meeting and as required*
- *Prospective landlords were oriented about the Section 8 Program requirements*
- *Newspapers ads and flyers were posted to outreach potential landlords*
- *Payment standards were revised*
- *HQS training will be provided*
- *Self Sufficiency seminars (to acquire their own home) to all participants and applicants*

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

The municipality's efforts under this goal include:

- *The Municipality continues assisting an Elderly Center*

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

The municipality's efforts under this goal include:

- *Equal opportunity is offered to all participants*
- *Equal opportunity handouts and other orientation material is available for participants*
- *Enhance and promote the regulations' compliance*
- *Landlords and tenants are oriented regarding non discriminatory rules and politics*

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

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

(This certification is required due to the fact that an amendment was made since the last Annual Plan.)

(Attached next)

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

List of Persons Assisting the Meeting to Designate the Participant the Participant (Resident) Advisory Board and to Revise the Plan Draft

(Attached next)

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

Newspaper Ad Promoting and Announcing the Hearing Process

(Attached next)

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

List of Persons Assisting to the Public Hearing

(Attached next)

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

Consultation Process: Comments or the Residents Advisory Board or Boards & Explanation of PHA Response

BEFORE THE PUBLIC HEARING:

On **XXXXXXXX**, a meeting was held with Participant (Resident) Advisory Board to revise the Plan Draft. Those that assisted were oriented regarding the role and responsibilities of the Participant Advisory Board, as per the 24CFR903.13, the Notice 2000-36 (HA) and HUD webpage.

Once the assistant were fully informed about the need of their active participation in the Section 8 Program, they were brief about the PHA Plans processes, which included the presentation of the last approved Plan and the 2008 Annual Plan draft (a copy of both Plans were given to them for review). The plan components were fully discussed in Spanish as well as all its Appendixes and Supporting Documents. Also they were informed about the availability of all the Section 8 Program documents and rules, for review not only during this process but at any time during working hours. At the end of the presentation they were asked to bring more commentaries and suggestion at any time during the process and at the Public Hearing, to be held on March. They were urged to bring before the Public Hearing, any additional matter or information they wanted or will liked to be provided during the Hearing, specially of those other initiatives and programs that the PHA have available, as well as of any component of the Plans.

The participants asked and required more information regarding:

1. Status of the FSS Program implementation
2. Minimum rent
3. Timeframe to obtain/provide required documentation (eligibility politics) and/or notify change of unit (mobility rules)

Some information was provided at the meeting with the compromise of proving them with more information (brochures, briefing and/or contacts) during the Public Hearing.

The Plan draft was fully discussed and reviewed. Those that agreed become the Participants Advisory Board. Due to the fact that doubts were clarified, the Participants (Residents) Advisory Board endorsed the publication of the ad announcing the Public Hearing and Review of the Plan.. **(See the attached endorsement letter.)**

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

AFTER THE PUBLIC HEARING:

The Hearing was initiated with the lecture and presentation of the ad announcing the availability of the Plan Draft and the date of the hearing. Following this, the Plan Draft, the attachments, amendments and its relation with the last approved Plan were discussed; as well as a summary of the inquiries from the previous meeting and its commentaries.

Due to the fact that the Plan was revised, doubts were clarified and there were no further changes or comments, the Board endorses the PHA's Annual Plan. **(See the attached endorsement letter – 2nd next page)**

D. OTHER COMPONENTS (CERTIFICATIONS TO BE SUBMITTED TO LOCAL HUD FIELD OFFICE)

Membership of the Resident Advisory Board or Boards

List members of the Resident Advisory Board or Boards: (If the list would be unreasonably long, list organizations represented or otherwise provide a description sufficient to identify how members are chosen.)

A Notice is posted in the PHA's Main Office's Bulletin Board, announcing the meeting to designate the Participant Advisory Board and to revise the Plan Draft.

All the head of the participants' families, that are model representatives of the Section 8 Program, were invited to a meeting where they were invited to become part of the Participants' Board. Those who accepted are the designated members of the Board.

They were appointed on January 2006 and will be appointed again by December 2008.

In the PHA (Municipality of Toa Baja) the Mayor is the Executive Director (Section 8 – HCV - Program). Governing Board is for Public Housing. In Tenant Based (Section 8 - HCV) there is, instead, a Participants Advisory Board. The Official in charged for designating the Participants Advisory Board is the Section 8 (HCV), Federal Affairs or Housing Department Director or Coordinator. In the Municipality of Toa Baja, Mrs. Carmen Corazón is the Section 8 Program Coordinator.

The Participant Advisory Board's members for the PHA are:

1. Marilia Torrech
2. Juan López
3. Carmen I. Ortiz
4. Josephine Valentín Delgado

**HOUSING AUTHORITY
CITY OF TOA BAJA
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM
ADMINISTRATIVE PLAN**

Copy No.	1
Document Version:	1.0
Date:	November 24, 2003

Abstract:	This document contains the Section Administrative Plan (the Plan) for the Section 8 Housing Choice Voucher Program as required by the Quality Housing and Work Responsibility Act of 1998 (the Act). The Plan includes the policies regarding eligibility admissions and occupancy
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Approved:

Hon. Anibal Vega Borges, Mayor, City of Toa Baja

Janet T. Santana, Executive Director, Housing Department

Carmen Corazón, Section 8 Program Coordinator, Housing Department

The information in this document may not be changed without express written agreement of the city of Toa Baja.

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HOUSING AUTHORITY CITY OF TOA BAJA SECTION 8 HOUSING VOUCHER ADMINISTRATIVE PLAN

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People Involved in the Preparation of This Document

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HA, Section 8 Program Officer	
HA Consultant	

Review List

Reviewed by	Date

Change History

Version	Date	Revision Description
1.0	11/29/2004	Screening and Eviction for Drug Abuse & Other Criminal Activity
2.0	04/11/2007	Sexual Offenders and VAWA
3.0	04/11/2008	Preferences

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Preface

Purpose

This document contains the Section Administrative Plan (the Plan) for the Section 8 Housing Choice Voucher Program as required by the Quality Housing and Work Responsibility Act of 1998 (the Act). The Plan includes the policies regarding eligibility admissions and occupancy and other program policies.

Associated Documents

- Voucher Program Handbook US Department of Housing and Urban Development (04/2000)
- Quality Housing and Work Responsibility Act of 1998
- Chapter IX, Part 982 of Title 24 CFR
- Section 8 Certificate Voucher Programs: Housing Choice Voucher Program - FR Final Rule (10/21/99)

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I Introduction

The Quality Housing and Work Responsibility Act of 1998 (the Act) is the first piece of legislation passed by Congress in five years that enacts substantial revisions to the laws governing the public housing and Section 8 programs. The Act requires an agency to develop a five-year and an annual agency plan to be submitted to HUD every fiscal year. The plan is subject to public comment and a review by an advisory group of residents. In addition the plan will include a mission statement from the housing authority and a statement of goals and objectives that allow the agency to serve its targeted population.

The act also merges the Section 8 and Voucher Program, creating a new Section 8 Housing Choice Voucher Program. It also establishes the fair market rent (FMR'S0 at the 40th percentile and a payment standard that does not fall below 90 percent of the FMR or exceed 110 of the FMR.

The Housing and Community Development Department of the City of TOA BAJA (hereinafter referred to as "HA") administer the Section 8 Housing Choice Voucher Program. The program alike its predecessor (Rental Certificates & Vouchers Program), provide rent subsidies so eligible families can afford rent for decent, safe, and sanitary housing. HUD provides funds to a HA for rent subsidy on behalf of eligible families. HUD also provides funds for HA administration of the programs.

Section 8 assistance may be "tenant-based" or "project-based". In project-based programs, rental assistance is paid for families who live in specific housing developments or units. The contract only covers a single unit and the specific assisted family. If the family moves out of the leased unit, the contract with the owner terminates.

With tenant-based assistance, the family selects the assisted unit. The family may rent a unit anywhere in the United States in the jurisdiction of an HA that runs a voucher program. Under this model families select and rent units that meet program housing quality standards. If the HA approves a family's unit and lease, the HA contracts with the owner to make rent subsidy payments on behalf of the family. If the family moves to another unit they can continue with the rental assistance so long as the family is complying with program requirements.

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II DEFINITIONS

- (1) Absorption. In portability (under subpart H of part 982): the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.
- (2) Adjusted income is defined in 24 CFR part 5 Sec. 611
- (3) Administrative fee. Fee paid by HUD to the HA for administration of the program. See Sec. 982.152.
- (4) Administrative fee reserve (formerly "operating reserve"). Account established by HA from excess administrative fee income. The administrative fee reserve will be used for housing purposes. See Sec. 982.155.
- (5) Administrative plan. The plan that describes HA policies for administration of the tenant-based programs. See Sec. 982.54.
- (6) Admission. The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.
- (7) Amortization payment. In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase prices of the manufactured home.
- (8) Annual income is defined in 24 CFR part 5 Sec. 609
- (9) Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.
- (10) Budget authority. An amount authorized and appropriated by the Congress for payment to HA's 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.
- (11) Certificate. A document issued by an HA to a family selected for admission to the certificate program. The certificate describes the program and the procedures for HA approval of a unit selected by the family. The certificate also states obligations of the family under the program.

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- (12) Common space. In shared housing: Space available for use by the assisted family and other occupants of the unit.
- (13) Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see Sec. 982.606 to Sec. 982.609.
- (14) Contiguous MSA. In portability (under subpart H of this part 982): An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.
- (15) Continuously assisted. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the voucher program.
- (16) Contract authority. The maximum annual payment by HUD to an HA for a funding increment.
- (17) Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type: see Sec. 982.619.
- (18) Displaced family means a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.
- (19) Domicile. The legal residence of the household head or spouse as determined in accordance with State and local law.
- (20) Drug-related criminal activity. As defined in 42 U.S.C. 1437f(f)(5).
- (21) Drug-trafficking. 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).
- (22) Elderly person a persons who is at least 62 years.
- (23) Elderly family means a family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of elderly age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

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- (24) Exception rent. An amount that exceeds the published FMR. See Sec. 982.504(b). See also definition of FMR/exception rent limit.
- (25) Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that will be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR part 888.
- (26) Family. The HA determines if any other group of persons qualifies as a "family". Family include the following:
- a single person or a group of persons:
 - a family with a child or children.
 - a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.
 - a child who is temporarily away from the home because of placement in foster care is considered a member of the family.
- (27) Family self-sufficiency program (FSS program). The program established by an HA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).
- (28) Family share. The portion of rent and utilities paid by the family. For calculation of family share, see Sec. 982.515(a).
- (29) Family unit size. The appropriate number of bedrooms for a family, as determined by the HA under the HA subsidy standards.
- (30) FMR/exception rent limit. The Section 8 existing housing fair market rent published by HUD Headquarters or any exception rent. For a tenancy in the voucher program, the HA may adopt a payment standard up to the FMR/exception rent limit. For an over-FMR tenancy in the program, the payment standard is the FMR/exception rent limit.
- (31) Funding increment. Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.
- (32) Gross rent. The sum of the rent to owner plus any utility allowance.
- (33) 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

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disabilities (including any live-in aide). A special housing type: see Sec. 982.610 to Sec. 982.614.

- (34) HAP contract. Housing assistance payments contract.
- (35) Housing assistance payment. The monthly assistance payment by an HA, which includes: A payment to the owner for rent to the owner under the family's lease; and an additional payment to the family if the total assistance payment exceeds the rent to owner.
- (36) Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs. See Sec. 982.401.
- (37) Initial HA. In portability, the term refers to both: An HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and a HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.
- (38) Initial payment standard. The payment standard at the beginning of the HAP contract term.
- (39) Initial rent to owner. The rent to owner at the beginning of the HAP contract term.
- (40) Jurisdiction. The area in which the HA has authority under State and local law to administer the program.
- (41) Lease. (1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of this part 982, the cooperative is the Section 8 ``owner" of the unit, and the cooperative member is the Section 8 ``tenant."
- (42) Lease addendum. In the lease between the tenant and the owner, the lease language required by HUD.
- (43) Live-in aide is defined in 24 CFR part 5, subpart D.
- (44) Low-income family a family whose income is at or below at 80% of the jurisdiction median income as determined by HUD.

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- (45) **Manufactured home.** A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type: see Sec. 982.620 and Sec. 982.621.
- (46) **Manufactured home space.** In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See Sec. 982.622 to Sec. 982.624.
- (47) **Mutual housing.** Included in the definition of "cooperative."
- (48) **Notice of Funding Availability (NOFA).** For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.
- (49) **Over-FMR tenancy.** A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.
- (50) **Owner.** Any person or entity with the legal right to lease or sublease a unit to a participant.
- (51) **Participant (participant family).** A family that has been admitted to the HA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term).
- (52) **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.
- (53) **Person with disabilities** defined in 24 CFR 8.3.
- (54) **Portability.** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.
- (55) **Premises.** The building or complex in which the dwelling unit is located, including common areas and grounds.
- (56) **Private space.** In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

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- (57) Reasonable rent. A rent to owner that is not more than rent charged: For comparable units in the private unassisted market; and for comparable unassisted units in the premises. Receiving HA. In portability: An HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a voucher and provides program assistance to the family.
- (58) 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 voucher and provides program assistance to the family.
- (59) Regular tenancy. A tenancy other than an over-FMR tenancy.
- (60) 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.
- (61) Set-up charges. In a manufactured home space rental: Charges payable by the family for assembling, skirting and anchoring the manufactured home.
- (62) Shared housing. A unit occupied by two or more families. The unit consists of both common spaces for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type: see Sec. 982.615 to Sec. 982.618.
- (63) Single person family. This may be: (i) An elderly person; (ii) A displaced person; (iii) A disabled person; or (iv) Any other single person.
- (64) Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A special housing type: see Sec. 982.602 to Sec. 982.605.
- (65) Special admission. Admission of an applicant that is not on the HA waiting list or without considering the applicant's waiting list position.
- (66) Special housing types. See subpart M of this part 982. Subpart M of this part states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).
- (67) Subsidy standards. Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

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- (68) Suspension. Stopping the clock on the term of a family's voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.
- (69) Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.
- (70) Tenant rent. The total tenant payment minus any utility allowance. (This term applies both to a regular tenancy and an over-FMR tenancy.)
- (71) Total tenant payment is defined in 24 CFR part 5 Sec. 613
- (72) Utility allowance is the estimated cost of utilities (except telephone) and other housing services made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living.
- (73) Utility reimbursement is the amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.
- (74) Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.
- (75) 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.
- (76) Voucher (rental voucher). A document issued by an HA to a family selected for admission to the voucher program. This document describes the program and the procedures for HA approval of a unit selected by the family. The voucher also states obligations of the family under the program.
- (77) Waiting list admission. An admission from the HA waiting list.

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III Outreach to Families and Owners

(a) Families

The Section 8 Program is widely known among residents, especially low-income persons, in the City of TOA BAJA. As such, outreach efforts to inform and request participation from potential applicants will be done following the procedures established in Section VI(e) of the Administrative Plan.

(b) Owners

In order to attract owners, specially for encouraging participation by owners of suitable units located outside areas of low income or minority concentration, the HA has develop a brochure that will address the most common concerns owners have about the program. These include, but are not limited to:

1. Owner eligibility and housing Selection (HQS)
2. Rents and Housing Assistance Payments
3. Tenant Eligibility and selection by the HA
4. Owner screening of Tenants
5. Termination of Tenancy (by HA/by Owner)
6. Tax Benefits for providing Low Income Rental Housing

The HA will utilize one or more of the following options in marketing the Program to Owners:

1. Distribution of the brochure though community and neighborhood groups
2. Paid advertising in both newspaper and radio
3. Public service notices
4. Direct mail or letters addressed to realtors, brokers or property owners for units located outside of areas of low income or minority concentration.
5. Notices on the Municipal Government Section 8 reception areas.
6. "Word of Mouth" approach

These outreach efforts will comply with the approved Equal Opportunity Housing Plan, (EOHP), this Administrative Plan, and HUD guidelines for fair housing.

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(c) Monitoring Owner Outreach

The HA will monitor the quantity and Quality of the owner participation and make appropriate adjustments in its marketing efforts. Achievement of owner response goals must be evaluated every six months. Performance indicators could include:

1. Number of owners attending briefing sessions coordinated by the HA.
2. Number of owners requesting additional information. Based on the comparison of this information to the owner proposed response goals the HA will decide to increase or decrease its outreach efforts.

IV Occupancy Policy

(a) Family Composition

The definition of "Family" include:

- a single person or a group of persons:
- a family with a child or children.
- a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family. The HA determines if any other group of persons qualifies as a "family". 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 voucher program.

(b) Use and Occupancy of the Unit

The unit must be the family's only residence. The composition of the assisted family residing in the unit must be approved by the HA. The family must promptly inform the HA of the birth, adoption or court-awarded custody of a child. The family must request HA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide. The family must promptly notify the HA if any family member no longer resides in the unit.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. The family must not sublease or let the unit or not assign the lease or transfer the unit.

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(c) Absence from the Unit

Absence means that no member of the family is residing in the unit. The family must supply any information or certification requested by the HA to verify that the family is living in the unit, or relating to family absence from the unit, including any HA-requested information or certification on the purposes of family absences.

The family may be absent from the unit for brief periods (less than (30) thirty consecutive calendar days). There are instances where longer absences may be justified. If this is the case the family must promptly notify the HA of absence from the unit, including any information requested on the purposes of family absences. For example, longer absences may be justified by:

- (1) Family Vacations (not more than (60) sixty consecutive calendar days).
- (2) Hospitalization (not more than (90) ninety consecutive calendar days).

However, longer absence periods may be authorized by the HA if requested by the family. Notwithstanding, the family may not be absent from the unit for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

Housing assistance payments terminate if the family is absent for longer than the maximum period permitted. The term of the HAP contract and assisted lease also terminate. The owner must reimburse the HA for any housing assistance payment for the period after the termination.

The HA will adopt the following techniques to verify family occupancy or absence:

- (1) letters to the family at the unit,
- (2) phone calls, and
- (3) visits or questions to the landlord or neighbors

If the housing assistance payments are terminated under the above provisions, and the family request readmission to the Program, the family will be treated as a new applicant.

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V Subsidy Standards

The HA subsidy standards determine the number of bedrooms needed for families of different sizes and compositions. For each family, the HA determines the appropriate number of bedrooms under the HA subsidy standards (family unit size) which is entered on the housing choice voucher issued to the family when is selected for participation in the program.

The HA family unit size under the HA subsidy standards is as follows:

<u>Family Members</u>	<u>Unit Size by Bedrooms</u>
1-2	0-1
2-4	2
3-4	3
4-8	4

In determining family unit size for a particular family, the HA may grant an exception to its established subsidy standards if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

VI Processing Applications

(a) Initial Screening of Applicants

The HA will only admit an eligible "family" to the program. To be eligible, the applicant will be income-eligible, and will be a citizen or a noncitizen who has eligible immigration status as determined in accordance with 24 CFR part 5.

The HA has developed forms and a list of specific requirements and documents that will be presented by potential applicants to determine eligibility. The documents and procedure required for determining eligibility include:

- (1) Applicants' present evidence of all income received by the family including Social Security benefits, Social Services benefits , pensions, child support, scholarship, assets, etc.
- (2) Applicants and participants are required to disclose and verify' their social security numbers as well at their children's Social Security numbers (children over 6 years of age), and their employer's identification number (necessary).
- (3) Certification of employment signed by the employer.
- (4) Affidavit for the self-employed.



- (5) Marriage certificate or divorce decree, where applicable.
- (6) Birth certificate for all the members of the family
- (7) . Affidavit for common-law couples.
- (8) Certification of a handicapped or medical disability Certificate of Prior Penal Records from the Police Department for all the family members 18 and over. Person over 62 years of age will be evaluated to determine if this necessary to be provided.
- (9) . Family group photograph.
- (10) Authorization to corroborate the information presented with the respective public agencies and/or other institutions - e.g. the Social Service Department, the Housing Authority, the Social Security Administration, etc. - and to obtain verification of income

After initial eligibility is verified the family will be placed in the HA waiting list. When the HA determines that there is a possibility that the family will receive assistance within six (6) months, then these other documents will be requested:

- (1) Certification of ongoing studies for all children over 18 years of age,
- (2) Certification of unemployment for Person who are older than 18 years of age and are not studying (persons whit over 62 years of age will be evaluated to determine if this necessary to be provided).
- (3) Certification of a handicapped or medical disability
- (4) Updated family group photograph.

Program personnel may also conduct interviews in their current place of residence and have their current housing condition documented.

The HA shall retain for three years (3) years, a copy of the application. In the case of there being no response from the applicant to our notice, or no evidence of providing follow-up information this three years, the HA will dispose the application. If the family shows after the (3) three-year period, and request to up-date its application, and the HA is taking applications (waiting list is open), a new one must be completed and evaluated according this administrative plan.

In case of a divorce neither one nor the other will have the right to claim a previously submitted application. Either party must submit a new application. The HA may give to each one the previously submitted documents that corresponds to each one.

This information is valid within the period of 60 days before the HA issues a Housing Choice Voucher to the applicant.

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The HA determines whether the family is income-eligible by comparing the family's annual income (gross income) with the HUD-established very low-income limit or low-income limit for the area. The applicable income limit for selection into the program is the highest income limit (for the family unit size) for areas in the HA jurisdiction and where the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.

Once a decision concerning eligibility is made the HA will give the applicant prompt written notice of this decision by regular mail. If the family is eligible it is placed in the HA waiting list. The HA will use a single waiting list for admissions to its tenant-based programs.

If the family is ineligible written notice will be send to the applicant, within (30) thirty days after the date the application was evaluated, of the decision denying admission to the program (including a decision that the applicant is not eligible, or denying assistance for other reasons). The notice will include a brief statement of the reasons for the decision. The notice will also state that the applicant may request an informal review of the decision, and how to arrange for the informal review.

(b) Applicant Selection

The HA may admit an applicant for participation in the program either as a special admission (non-waiting list) or as a waiting list admission.

(1) Special Admissions

Special admissions will be processed only if HUD awards the HA program funds that is targeted for families living in specified units. 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 will maintain records showing that the family was admitted with HUD-targeted assistance.

The following are examples of types of program funding that may be targeted for a family living in a specified unit:

- A family displaced because of demolition or disposition of a public housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 et seq.);
- 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

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(2) Waiting List Admissions

Except for special admissions procedures mentioned above, participants will be selected from the HA waiting list in accordance with the admission policies included in this Administrative Plan. The HA waiting list will be organized in the following manner:

- (1) Applicant name;
- (2) Family unit size (number of bedrooms for which family qualifies under HA occupancy standards);
- (3) Date and time of application;
- (4) Qualification for any ranking preference or local preference; and

The order of admission from the waiting list will not be based on family size, or on the family unit size for which the family qualifies under the HA occupancy policy. If the HA does not have sufficient funds to subsidize the family unit size of the family at the top of 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.

(3) Prohibited Admission Criteria

The owner selects the tenant. The owner decides whether the family is suitable for tenancy. However the HA may deny assistance to an applicant because of drug-related criminal activity or violent criminal activity by family members. (See Sec. VII).

Admission to the program will not be based on where the family lives before admission or where the family will live with assistance under the program. However, the HA may target assistance for families who live in public housing or other federally assisted housing, or may adopt a HUD-approved residency preference. Admission to the program will not be based on factors such as:

- (1) Members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;
- (2) A family includes children (familial status discrimination);
- (3) Age, race, color, religion, sex, or national origin;
- (4) Disability; or whether a family decides to participate in a family self-sufficiency program.

An applicant does not have any right or entitlement to be listed on the HA waiting list, to any particular position on the waiting list, or to admission to the programs.

(c) Ranking and Preferences

The HA has established the following preferences for admission to the program

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Rank	Preference
1	Persons with disabilities (any member of the family)
1	Hate crime victims
1	Home Fires Victims
2	Victims of domestic violence (court certified cases)
3	Evictions (must provide evidence of eviction notice)
4	Elderly persons or families
5	Residents of the Municipality of Toa Baja

For each two participants with preferences selected from the HA Waiting List another participant without any preference will be selected. If two or more applicants on the waiting list has the same preference/ranking status the HA will base its admission decision, first on the on the date and time of application and second on a drawing between both applicant. The applicant not selected will remain in the same position in the waiting list. The HA will request from applicants seeking preference status the necessary documentation to verify and evidence such status so that each applicant has been selected in accordance with the method specified in this administrative plan.

(d) Removing Applicant Names from the Waiting List

Applicant names will be removed from the waiting list if they do not respond to HA requests for appointments or request for information updates. If an applicant did not respond to the HA request for information or updates because of a family member's disability, the HA will reinstate the applicant in the family's former position on the waiting list if the applicant demonstrates this is the case.



(e) Procedures for Opening and Closing the HA Waiting List

When the HA opens a waiting list, the HA will give public notice in newspaper of local or regional circulation, fliers or radio stations that families may apply for tenant-based assistance. The public notice will state where and when to apply. The notice will comply with HUD fair housing requirements. The public notice will state any limitations on who may apply for available slots in the program. The HA may adopt criteria defining what families may apply for assistance under a public notice.

If the waiting list is open, the HA will accept applications from families for whom the list is open unless there is good cause for not accepting the applications (such as a denial of assistance because of action or inaction by members of the family) for the grounds stated in Sec. 982.552. If the HA determines that the existing waiting list contains an adequate pool for use of available program funding, the HA may stop accepting new applications, or may accept only applications meeting criteria adopted by the HA.

Even if the HA is not otherwise accepting additional applications, the HA will accept applications from applicants who claim a preference unless the HA determines that the waiting list already contains an adequate pool of applicants who are likely to qualify for the preferences included in this Administrative Plan.

VII Approving or Denying Assistance

(a) Approving Assistance

When the HA selects a family to participate in a the program, the HA will give the family an oral briefing that will include information on the following subjects:

- (1) A description of how the program works;
- (2) Family and owner responsibilities under the lease and HAP Contract; and
- (3) Where the family may lease a unit, including renting a dwelling unit inside or outside the HA jurisdiction
- (4) Housing Quality Standards Requirements
- (5) Procedures for unit Inspection by the HA
- (6) Fair Housing and Equal Opportunity laws and Grievance Procedures

For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing will include an 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.

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If the family is currently living in a high poverty census tract in the HA's jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.

In briefing a family that includes any disabled person, the HA must take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6.

The family unit size is determined in accordance with the subsidy standards established by the HA in this Administrative Plan which determine the number of bedrooms needed for families of different sizes and compositions.

(b) HA Denial or Termination of Assistance

The HA may deny assistance for an applicant or terminate assistance for a participant under the programs because of the family's action or failure to act as described below:

(1) Denying Assistance to an Applicant

The HA may deny assistance for an applicant for:

- (1) Denying listing on the HA waiting list,
- (2) Denying or withdrawing a voucher,
- (3) Refusing to enter into a HAP contract or approve a lease,
- (4) Refusing to process or provide assistance under procedures; and if
- (5) The family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

If the latter applies the HA will evaluate the conditions that gave rise to the debt. If the circumstances and evidence presented by the family are justified (loss of employment, death of working household), the HA, at its discretion, may offer the family the opportunity to enter an agreement to pay amounts owed to an HA or amounts paid to an owner by an HA. The HA will prescribe the terms of the agreement taking into consideration the financial capacity of the family to cover its housing and other living expenses.

The HA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

- (1) If the family violates any family obligations under the program
- (2) If any member of the family has ever been evicted from public housing.
- (3) If an HA has ever terminated assistance under the voucher program for any member of the family.
- (4) If any member of the family commits drug-related criminal activity, or violent criminal activity

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- (5) If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- (6) If the family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
- (7) If the family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, or other amounts owed by the family under the lease.
- (8) If the family breaches an agreement with the HA to pay amounts owed to an HA, or amounts paid to an owner by an HA. (The HA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to an HA or amounts paid to an owner by an HA. The HA may prescribe the terms of the agreement.)
- (9) If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
- (10) If the family has engaged in or threatened abusive or violent behavior toward HA personnel.

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HA has discretion to consider all of the circumstances in each case, including

- (1) The seriousness of the offending action;
- (2) The effect on the community of denial or termination or the failure of the responsible entity to take such action;
- (3) The extent of participation by the leaseholder in the offending action;
- (4) The effect of denial of admission or termination of tenancy on household members not involved in the offending action;
- (5) The demand for assisted housing by families who will adhere to lease responsibilities;
- (6) The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and
- (7) The effect of the responsible entity's action on the integrity of the program.

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

The HA must deny or terminate assistance if any member of the family fails to sign and submit consent forms for obtaining and verifying applicant or participant information, including required evidence of citizenship or eligible immigration status.

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(2) Termination of Assistance for a Participant

The HA may terminate assistance for a participant for:

- (1) Refusing to enter into a HAP contract or approve a lease,
- (2) Terminating housing assistance payments under an outstanding HAP contract, and refusing to process or provide assistance under portability procedures.

This does not limit or affect exercise of the HA rights and remedies against the owner under the HAP contract, including termination, suspension or reduction of housing assistance payments, or termination of the HAP contract.

(i) Dug-related criminal activity

The HA will deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance. Such use or possession must have occurred within one year before the date that the HA provides notice to the family of the HA determination to deny or terminate assistance. Admission will be prohibited to the program for three years from the date of eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. The lease provides that violent criminal activity engaged in on or near the premises by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control, is grounds for you to terminate tenancy. In addition, the lease allows the HA to evict a family when it is determined that a household member is illegally using a drug or when it is determined that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The HA may not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:

- (1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
- (2) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances, or
- (3) the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

The HA will require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

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(ii) Violent Criminal Activity

In determining whether to deny or terminate assistance based on violent criminal activity, the HA will do so if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted. The lease provides that violent criminal activity engaged in on or near the premises by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control, is grounds for you to terminate tenancy. In addition, the lease allows the HA to evict a family when it is determined that a household member pattern of violent criminal activity interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises); or
- (2) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises;
- (3) Fugitive felon or parole violator. The lease must provide that you may terminate the tenancy during the term of the lease if a tenant is:
 - Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or
 - Violating a condition of probation or parole imposed under Federal or State law.

(iii) Sex Offenders

Admission will be prohibited if any member of the household is subject to a lifetime registration requirement under a local, State or Federal sex offender registration program. In the screening of applicants, criminal history background checks will be made in the State where the housing is located and in other States where the household members are known to have resided

(iv) Alcohol Abusers

Admission will be prohibited if the HA determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Grounds for tenancy termination can be sufficient, if the HA determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying a criminal conviction standard of proof of the activity.

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(c) Initial, Extension and Suspension of Term

The initial term of a housing choice voucher will be 60 calendar days. The initial term must be stated on the voucher.

The HA will grant a family one or more extensions of the initial term at its discretion. The initial term plus any extensions may not exceed a total period of 120 calendar days from the beginning of the initial term. Any extension of the term is granted by written HA notice to the family.

If the family needs and requests an extension of the initial housing choice voucher term to make the program accessible to and usable by a family member with a disability, the HA will extend the term of the voucher up to 120 days from the beginning of the initial term; or request the HUD field office to approve an additional extension of the term. The HA will not grant any suspension of the initial or any extended term

During the initial or any extended term of a voucher, the HA will require the family to report progress in leasing a unit. Such reports may be required at such intervals or times as determined by the HA.

(d) Information packet

When a family is selected to participate in the program, the HA will give the family a packet that includes information on the following subjects:

- (1) The term of the voucher, and HA policy on any extensions or suspensions of the term. If the HA allows extensions, the packet must explain how the family can request an extension;
- (2) How the HA determines the housing assistance payment for a family (information on fair market rents, payment standard and the HA utility allowance schedule)
- (3) How the HA determines the maximum rent for an assisted unit;
- (4) Where the family may lease a unit.
- (5) The HUD-required "lease addendum".
- (6) The form of request for lease approval, and an explanation of how to request HA approval to lease a unit;
- (7) A statement of the HA policy on providing information about a family to prospective owners;
- (8) HA subsidy standards,
- (9) The HUD brochure on how to select a unit;
- (10) The HUD-required lead-based paint (LBP) brochure;
- (11) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form;

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- (12) A list of landlords or other parties known to the HA who may be willing to lease a unit to the family,
- (13) 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;
- (14) Family obligations under the program;
- (15) The grounds on which the HA may terminate assistance for a participant family because of family action or failure to act; and
- (16) HA informal hearing procedures.

VIII Requesting HA Approval to Lease a Unit

When an applicant family is selected, or when a participant family wants to move to a new unit with continued tenant-based assistance, the HA issues a housing choice voucher to the family. When the family finds a unit, and the owner is willing to lease the unit under the program, the family will request HA approval to lease the unit. The HA will not permit a family to submit more than one request at a time. The family must submit to the HA a request for lease approval and a copy of the proposed lease. Both documents must be submitted during the term of the housing choice voucher in the form and manner required by the HA.

The HA will not give approval for the family to lease a dwelling unit, or execute a HAP contract, until the HA has determined that all the following meet program requirements:

- (1) The unit is eligible;
- (2) The unit has been inspected by the HA and passes HQS;
- (3) The lease is approvable and includes the lease addendum;
- (4) The rent to owner is reasonable; and
- (5) For a unit leased, the total of contract rent plus any utility allowance does not exceed the FMR/exception rent limit.

The HA will use its best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term. No housing assistance payment to the owner will be made until the HAP contract has been executed. Any HAP contract executed after the 60 day period is void, and the HA will not pay any housing assistance payment to the owner.

After receiving the family's request for approval to lease a unit, the HA will notify within (30) calendar days to the family and owner whether the assisted tenancy is approved. Once the HA has given approval for the family to lease the unit, the owner and the HA execute the HAP contract.

The HA will provide to families that include persons with disabilities families with information about accessible units on the market and make reasonable accommodations in adjusting the search time and payment standard.

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IX Housing Quality Standards (HQS)

As described above the HA will not give approval for the family to lease a dwelling unit, or execute a HAP contract, until the HA the unit has been inspected by the HA and passes HQS.

The HA must inspect the unit leased to a family at least annually, and at other times as needed, to determine if the unit meets HQS and acceptability criteria outlined in Sec 882.401 of the program regulations. For this purpose the HA will utilize HUD-Form 52580 to perform and record the HQS inspection of each unit. In scheduling inspections, the HA must consider complaints and any other information brought to the attention of the HA.

Owner and tenants will be notified of the inspection at least 15 working days in advance to assure the presence and participation of the owner and head of household in the inspection.

After the inspection is made each person must initial each and sign the last page of the inspection form. The HA will notify the owner and the tenant of defects shown by the inspection. The HA may not charge the family or owner for initial inspection or re-inspection of the unit. The HA quality control on HQS inspections will be based on re-inspecting on a random basis not less than (5%) five percent of all inspections re-inspection made in the program.

In addition to the HQS the Ha will require that when considering a room as a bedroom an adequate clothing closet facility must be in place. Also the inspector at it's own discretion will require additional improvements, such as:

- (1) Windows/door screens
- (2) Handrails
- (3) Window/door iron or aluminum grates
- (4) Any other item considered necessary to improve the health and security of the prospective tenants.

These requirements does not create any right of the family, or any party other than HUD or the HA, to require enforcement of the HQS requirements by HUD or the HA, or to assert any claim against HUD or the HA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

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X Illegal Discrimination: HA Assistance to Family

If a family claim that illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance under the program, the HA will assist the family in filling out and filing a housing discrimination complaint with HUD.

XI Family Information to Owner

Listing a family on the HA waiting list, or selecting a family for participation in the program, is not a representation by the HA to the owner about the family's expected behavior, or the family's suitability for tenancy. At or before HA approval to lease a unit, 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.

The HA will give the owner the information in the HA possession information about:

- (1) The family's current and prior address (as shown in the HA records);
- (2) The name and address (if known to the HA) of the landlord at the family's current and prior address.

Owners are permitted and will be encouraged to screen families on the basis of their tenancy histories. An owner may consider a family's background with respect to such factors such 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
- (5) Compliance with other essential conditions of tenancy.

XII HA disapproval of Owner

The HA will 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 under 24 CFR part 24. When directed by HUD, the HA will 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 such 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.

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In its administrative discretion, the HA may deny approval to lease a unit from an owner for any of the following reasons:

- (1) The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
- (2) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- (3) The owner has engaged in drug-trafficking;
- (4) The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
- (5) The owner has a history or practice of renting units that fail to meet State or local housing codes;
- (6) The owner has not paid State or local real estate taxes, fines or assessments; or
- (7) The owner has a history or practice and has frequently and repeatedly engaged in a conduct or has taken actions, which are offensive, insulting and/or aggressive against the Section 8 staff or applicants or participants under the Program.

If an owner is notified by the HA of its denial to lease a unit based on any of the above mentioned reasons, the HA will give the owner an opportunity for an informal hearing to consider whether HA decisions relating to the individual circumstances on which the decision is based are in accordance with the law, HUD regulations and HA policies.

The owner must request by writing an informal hearing, within 30 calendar days of receiving notice of the adverse determination. The HA will analyze such request and will provide the owner advance notice (20 calendar days in advance) of the place and time of such hearing.

The HA will designate a person, other than a person who made or approved the decision under review or a subordinate of this person, to conduct the hearing. The hearing will be conducted at the Housing and Community Development Office, unless other place is necessary to provide reasonable access to an owner with disabilities. At it's own expense; a lawyer or other representative may represent the owner.

At the hearing the HA and the owner will 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 person who conducts the hearing will issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the owner shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the owner.

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The HA will not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the HA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

For purposes of this section, "owner" includes a principal or other interested party.

XIII Lease and Lease Addendum

The tenant must have legal capacity to enter into a lease under State or local law. The assisted lease between the tenant and owner (including any new lease or lease revision) must be approved by the HA. The HA must determine that the Lease Addendum meets HUD requirements as stated in Section 982.308 of Program Regulations.

XIV Term of Assisted Tenancy

The term of the HAP contract begins on the first day of the term of the lease and ends on the last day of the term of the lease. The HAP contract terminates if the lease terminates.

(a) Term of lease

The initial term of the lease must be for at least one year. The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:

- (1) For automatic renewal for successive definite terms (e.g., month-to-month or year-to-year); or
- (2) For automatic indefinite extension of the lease term.

The term of the lease terminates if any of the following occurs:

- (1) The owner terminates the lease;
- (2) The tenant terminates the lease;
- (3) The owner and the tenant agree to terminate the lease;
- (4) The HA terminates the HAP contract; or
- (5) The HA terminates assistance for the family.

The family may terminate the lease at any time after the first year. The lease may not require the family to give more than 60-calendar days notice of such termination to the owner. If the family terminates the lease on notice to the owner, the family must give the HA a copy of the notice of termination at the same time. Failure to do this is a breach of family obligations under the program.

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Any new lease or lease revision must be approved in advance by the HA. The new lease or revision must meet the requirements of this section. The HA and owner must enter a new HAP contract for the tenancy under the new or revised lease.

The owner may offer the family a new lease, for a term beginning at any time after the initial term. The owner must give the tenant written notice of the offer, with a copy to the HA, at least 60 calendar days before the proposed beginning date of the new lease term. The offer must specify a reasonable time limit for acceptance by the family.

The family must notify the HA and the owner before the family moves out of the unit. Failure to do this is a breach of family obligations under the program.

(b) Owner Termination of Tenancy

During the term of the lease, the owner may not terminate the tenancy except on the following grounds:

- Serious or repeated violation of the terms and conditions of the lease;
- Violation of federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
- Other good cause.

Nonpayment by the HA is not an acceptable ground for termination of tenancy, because the family is not responsible for payment of the portion of the rent to owner covered by the housing assistance payment under the HAP contract between the owner and the HA and because a failure to pay the housing assistance payment to the owner is not a violation of the lease between the tenant and the owner.

However during the term of the lease the owner may terminate the tenancy of the family for any of the following types of criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control:

- (1) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents;
- (2) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises;
- (3) Any drug-related criminal activity on or near the premises: or
- (4) Other good cause.



"Other good cause" for termination of tenancy by the owner may include, but is not limited to, any of the following examples:

- (1) Failure by the family to accept the offer of a new lease or revision;
- (2) 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;
- (3) 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
- (4) 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).

A 90-day notice is required if the owner is terminating the tenancy for a business or economic reason. (Sec. 982.455.)

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:

- (1) failure by the family to accept the offer of a new lease or revision;
- (2) 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
- (3) economic reason for termination of the tenancy

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy. The notice of grounds must be given at or before commencement of the eviction action. The owner must give the HA a copy of any owner eviction notice to the tenant.

The owner must give 90 calendar days notice of HAP contract termination (to HUD, the HA and the family) in accordance with Sec. 982.455 in the following cases:

- (1) If the owner terminates the tenancy for other good cause that is a business or economic reason; or
- (2) At "expiration" of the HAP contract
- (3) Eviction by court action. The owner may only evict the tenant from the unit by instituting a court action.

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XV Payments Under HAP Contract

Housing assistance payments are paid to the owner in accordance with the terms of the HAP contract. Housing assistance payments may only be paid to the owner during the lease term, and while the family is residing in the unit.

Housing assistance payments terminate when the owner terminates the lease in accordance with the lease. However, if the owner has commenced the process to evict the tenant, and if the family continues to reside in the unit, the HA must continue to make housing assistance payments to the owner in accordance with the HAP contract until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. The HA may continue such payments until the family moves from or is evicted from the unit.

Other reasons for terminating Housing Assistance Payments terminate are:

- (1) The lease terminates;
- (2) The HAP contract terminates; or
- (3) The HA terminates assistance for the family.

If the family moves out of the unit, the HA may not make any housing assistance payment to the owner for any month after the month when the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit. If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit is not considered to constitute a duplicative housing subsidy.

If the HA determines that the owner is not entitled to the housing assistance payment or any part of it, the HA, in addition to other remedies, may deduct the amounts of the overpayment from any amounts due to the owner (Including amounts due under any other Section 8 assistance contract).

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XVI Security Deposits

The owner may collect a security deposit from the tenant. The HA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

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

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

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

XVII Tenant Moves

A family may move to a new unit if the assisted lease for the old unit has terminated. A participant family may move one or more times with continued assistance under the program, either inside the HA jurisdiction, or under the portability procedures described in Sec. 982.353. However, the HA will continue administering the portability vouchers for families that moves to the cities of Bayamón, Dorado and San Juan.

If the family terminates the lease on notice to the owner, the family must give the HA a copy of the notice at the same time. If the family wants to move to a new unit, the family must notify the HA and the owner before moving from the old unit. If the family wants to move to a new unit that is located outside the initial HA jurisdiction, the notice to the initial HA must specify the area where the family wants to move.

The HA may deny permission to move if the HA does not have sufficient funding for continued assistance. At any time, the HA may deny permission to move in accordance with Sec. IV(b)2 of the Administrative Plan (Termination of assistance).

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XVIII Family Break-Up

The HA has discretion to determine which members of an assisted family continue to receive assistance in the program if the family breaks up.

In deciding who remains in the program if the family breaks up the factors to be considered in making this decision will include:

- (1) Whether the assistance should remain with family members remaining in the original assisted unit.
- (2) The interest of minor children or of ill, elderly or disabled family members.
- (3) 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.
- (4) Whether the assistance should remain with the family members who originally applied for the program

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.

XIX Owner Responsibility

(a) General

- (1) The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease. The owner is responsible for:
- (2) Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
- (3) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
- (4) Complying with equal opportunity requirements.
- (5) Preparing and furnishing to the HA information required under the HAP contract.
- (6) Collecting from the family, any security deposit , the tenant contribution and any charges for unit damage by the family.
- (7) Enforcing tenant obligations under the lease.
- (8) Paying for utilities and services (unless paid by the family under the lease).
- (9) For provisions on modifications to a dwelling unit occupied or to be occupied by a disabled person

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(b) Maintenance

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

The HA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the HA and the HA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any HA-approved extension). The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible (as provided in Sec. 982.404(b) and Sec. 982.551(c).

XX Family Responsibilities

(a) General

The family must supply any information that the HA or HUD determines is necessary in the administration of the program, including submission of required evidence any requested certification, consent forms for obtaining information or other documentation. The family must also supply any information requested by the HA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements. In addition the family must comply with the following:

- (1) allow the HA to inspect the unit at reasonable times and after reasonable notice
- (2) may not commit any serious or repeated violation of the lease
- (3) must notify the HA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner.
- (4) must promptly give the HA a copy of any owner eviction notice
- (5) The family must not own or have any interest in the unit
- (6) The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
- (7) The members of the family may not engage in drug-related criminal activity, or violent criminal activity (see Sec. 982.553)
- (8) An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.
- (9) must comply with the occupancy policy included in section IV of this Administrative Plan.

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(b) Maintenance

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

- (1) The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
- (2) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
- (3) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).

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

If the family has caused a breach of the HQS, the HA must take prompt and vigorous action to enforce the family obligations. The HA may terminate assistance for the family in accordance with Sec. 982.552.

XXI Interim Re-Determination of Family Income and Composition

The HA's responsibilities for reexamining family income and composition are specified in 24 CFR part 5, subpart F. 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:

- (1) Reported family annual income;
- (2) The value of assets;
- (3) Expenses related to deductions from annual income; and
- (4) Other factors that affect the determination of adjusted income.

At any time, the HA may conduct an interim reexamination of family income and composition and at any time, the family may request an interim determination of family income or composition because of any substantial change changes since the last determination. The HA must make the interim determination within 30days after the family request.

The family must report a change in family income when it became aware that any member of the family income is subject to change by 10 or more. (Upward or Downward) and when the family composition is subject to change. In cases of death of a family member the notification must be provided within 60 days.

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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.

The effective date of a change in the housing assistance payment resulting from an interim re-determination will be within 30 calendar days after the date the HA determines the new housing assistance payment.

XXII Utility Allowance Schedule

The HA will 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)). A copy of the utility allowance schedule will be furnished to HUD.

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

The HA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the HA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The HA will review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The HA will maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

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

On request from a family that includes a person with disabilities, the HA will approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

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XXIII Determination of Rental Subsidies

(a) General

In the voucher program, the rental subsidy is determined by a formula, and is not based on the actual rent of the leased unit. The subsidy for most families is the difference between 30 percent of adjusted monthly income and a "payment standard" that is based on the HUD-published fair market rent. If the unit rent is less than the voucher payment standard, the family pays a smaller share of the rent. If the unit rent is more than the payment standard, the family pays a larger share of the rent.

(b) Payment standard

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

Currently the HA has set the payment standard between 100 and 110 percent of the current FMR/exception rent. As the FMR tends to rise the HA will determine if it is necessary to adjust the standard to assure continued affordability of units in the HA. This action is consistent with the recommended policy established by the "Housing Choice Voucher Program Handbook"(Page 7-6- The PHA may establish one or more separate payment standard amounts within the basic range for designated parts of an FMR area. This may be appropriate where a PHA has determined that its general payment standards are too low to allow families seeking housing in areas with low concentrations of poverty and minority families to lease in these areas).

XXIV Rent to Owner: Reasonable Rent

The HA will not approve a lease until the HA determines that the initial rent to owner is a reasonable rent. The Section 8 Office collects data to determine that requested rents are reasonable and comparable with the rents being paid in the same area for unassisted units.

The HA will re-determine the reasonable rent before any increase in the rent to owner, or at any other time at the discretion of the HA. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or Re-determined by the HA. The HA will determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the HA must consider:

- (1) The location, quality, size, unit type, and age of the contract unit; and

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- (2) Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

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.

XXV Over-FMR Tenancy in the HA Voucher Program

At the request of the family, the HA may approve an over-FMR tenancy at its discretion. However, the HA will approve an over-FMR tenancy 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.

If an over-FMR tenancy if necessary the HA will approve the request if the number of such tenancies currently is ten percent or less of the number of incremental voucher units under the HUD-approved budget for the HA voucher program. "Incremental units" means the number of budgeted voucher 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. Records will be maintained to prevent exceeding the applicable limits (10%).

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 will take into account other family expenses, such as childcare, unreimbursed medical expenses, and other appropriate family expenses as determined by the HA. During an over-FMR tenancy, the amount of the housing assistance payment is determined in accordance with Sec. 982.505(c). The HA will approve on case-by-case consideration of individual requests.

XXVI Special Housing Types

Special housing types are housing arrangements designed for a determined clientele with specific characteristics. The HA will not set-aside program funding for special housing types, or for a specific special housing type. The HA will permit, at its own discretion and on a case-by case, families to chooses whether to rent housing that qualifies as a special housing type. If a case to occupy a special housing type is approved the HA will not restrict the family's freedom to choose among available units.

However, the HA will permit the use of any special housing type 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. The following are the special housing types:

- (1) Single room occupancy (SRO) housing;
- (2) Congregate housing;
- (3) Group home;

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- (4) Shared housing;
- (5) Cooperative (including mutual housing);
- (6) Manufactured home

XXVII Use of the Administrative Fee Reserve

The Administrative fee reserve (formerly "operating reserve") account is established by the HA from excess administrative fee income. The administrative fee reserve must be for approved HUD purposes.

In accordance, the Executive Director of the Housing and Community Development Office may authorize the use of such reserve for the following purposes:

- (1) Payment of any late payment fee in accordance with State or local law that became due when the HA fails to make timely housing assistance payment to the owners of assisted housing under the program.
- (2) Payment of program administrative expenses in excess of administrative fees paid by HUD for an HA fiscal year
- (3) If the reserve is not needed to cover HA administrative expenses (to the end of the last expiring funding increment under the consolidated ACC), the HA may use these funds for other housing purposes permitted by State and local law.

The maximum amount that may be charged against the administrative fee reserve without specific HUD approval is 30 percent of the balance of the reserve.

XXVIII Informal review procedures for applicants

(a) Process

HA will give prompt notice, within 30 days of processing the application, to an applicant for its decision for denying assistance. The notice will contain a brief statement of the reasons for the HA decision and the applicant right to request an informal review of the decision including the process to request such informal hearing

The applicant must request by writing an informal hearing, within 30 calendar days of receiving the notice of denying assistance. The HA will analyze such request and will determined based on part (b) of this section if such hearing is warranted. If the hearing should proceed the HA will provide the applicant advance notice (20 calendar days in advance) of the place and time of such hearing.

The HA will designate a person, other than a person who made or approved the decision under review or a subordinate of this person, to conduct the hearing. The hearing will be conducted at the Housing and Community Development Office, unless

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other place is necessary to provide reasonable access to an applicant with disabilities. The applicant may retain legal or other counsel at it owns expense.

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

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

At the hearing the applicant and or counsel will have the opportunity to present written or oral objections to the HA decision. After the hearing is concluded the HA will notify in writing the applicant of the HA final decision after the informal review, including a brief statement of the reasons for the final decision.

(b) Informal Review Not Required

The HA will not provide applicants with an opportunity for an informal review for any of the following:

- (1) Discretionary administrative determinations by the HA as provide in this Administrative Plan.
- (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 an extension or suspension of a voucher term.
- (5) An HA determination not to grant approval to lease a unit under the program or to approve a proposed lease.
- (6) An HA determination that a unit selected by the applicant is not in compliance with HQS.
- (7) An HA determination that the unit is not in accordance with HQS because of the family size or composition.

(c) Restrictions On Assistance For Noncitizens

The notice of denial of assistance on the basis of ineligible immigration status will advise the family:

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- (1) That financial assistance will be denied and provide a brief explanation of the reasons for the proposed denial of assistance;
- (2) That the family has a right to request an appeal to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal
- (3) That the family has a right to request an informal hearing with the HA either upon completion of the INS appeal or in lieu of the INS appeal.

The family must request a hearing by writing to the HA within 30 days of receipt of the notice of denial of assistance , or within 30 days of receipt of the INS appeal decision.

The family shall be provided the opportunity to examine and copy at the individual's expense, at least 20 calendar days in advance of the hearing, any documents in the possession of the HA pertaining to the family's eligibility status including any records and regulations that may be relevant to the hearing.

The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings . The family will be entitled to arrange for an interpreter to attend the hearing and to have the hearing recorded by audiotape, at the expense of the family.

The responsible entity shall provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 days of the date of the informal hearing. The decision shall state the basis for the decision. A decision against a family member, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

The responsible entity shall retain for a minimum of 5 years the documents that may have been submitted to the HA, or provided to the HA as part of the INS appeal or the informal hearing process:

- (1) The application for financial assistance;
- (2) The form completed by the family for income reexamination;
- (3) Photocopies of any original documents (front and back), including original INS documents;
- (4) The signed verification consent form;
- (5) The INS verification results;
- (6) The request for an INS appeal;
- (7) The final INS determination;
- (8) The request for an informal hearing; and
- (9) The final informal hearing decision

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XXIX Informal hearing procedures for participants

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

(a) Process

The participant must request by writing an informal hearing, within 30 calendar days of receiving notice of the adverse determination. The HA will analyze such request and will be determined based on part (b) of this section if such hearing is warranted. If the hearing should proceed the HA will provide the applicant advance notice (20 calendar days in advance) of the place and time of such hearing.

The HA will designate a person, other than a person who made or approved the decision under review or a subordinate of this person, to conduct the hearing. The hearing will be conducted at the Housing and Community Development Office, unless another place is necessary to provide reasonable access to an applicant with disabilities. At its own expense, a lawyer or other representative may represent the family.

At the hearing 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 person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

The HA is not bound by a hearing decision:

- (1) Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the HA hearing procedures.
- (2) Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
- (3) If the HA determines that it is not bound by a hearing decision, the HA will notify the family within 30 calendar days of the determination, and of the reasons for the determination.

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(b) Informal Review Required

Informal hearings will be to consider whether the following HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and HA policies:

- (1) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- (2) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
- (3) A determination of the family unit size under the HA subsidy standards.
- (4) A determination that a 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.
- (5) A determination to terminate assistance for a participant family because of the family's action or failure to act (see Sec. VII(b) of this Plan).
- (6) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules. (see Sec. IV(c) of this Plan).
- (7) In the cases described in paragraphs (4)(5) and (6), the HA will give the participant the opportunity for an informal hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

(c) Informal Review Not Required

The HA will not provide applicants with an opportunity for an informal review for any of the following:

- (1) Discretionary administrative determinations by the HA.
- (2) General policy issues or class grievances.
- (3) Establishment of the HA schedule of utility allowances for families in the program.
- (4) An HA determination not to approve an extension or suspension of a voucher term.
- (5) An HA determination not to approve a unit or lease.
- (6) An HA determination that an assisted unit is not in compliance with HQS. (However, the HA will 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 Sec. (b)(7) above.
- (7) An HA determination that the unit is not in accordance with HQS because of the family size.
- (8) A determination by the HA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

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In the cases described in paragraphs (b)(1)(2) and (3) of this section, the HA will notify the family that they may ask for an explanation of the basis of the HA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision, not to exceed 30 calendar days from the date of the notice.

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

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

In the cases described in paragraphs (b)(4)(5) and (6), the HA will provide written notice to the family that they may request a hearing. The notice will also:

- (1) Contain a brief statement of reasons for the decision,
- (2) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
- (3) State the deadline for the family to request an informal hearing, not to exceed 30 calendar days from the date of the notice.
- (4) State the family opportunity to examine at HA offices and before the HA hearing any HA documents that are directly relevant to the hearing.
- (5) State the HA opportunity to examine at HA offices and before the HA hearing any family documents that are directly relevant to the hearing.

(d) Restrictions On Assistance For Noncitizens

The notice of termination of assistance shall advise the family:

- (1) That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;
- (2) That the family may be eligible for proration of assistance as provided under Sec. 5.520;
- (3) In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families in Secs. 5.514 and 5.518;

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- (4) That the family has a right to request an appeal to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal in accordance with the procedures of paragraph (e) of this section;
- (5) That the family has a right to request an informal hearing to the HA either upon completion of the INS appeal or in lieu of the INS appeal

The family must request a hearing by writing to the HA within 30 days of receipt of the notice of denial of assistance , or within 30 days of receipt of the INS appeal decision.

The family shall be provided the opportunity to examine and copy at the individual's expense, at least 20 calendar days in advance of the hearing, any documents in the possession of the HA pertaining to the family's eligibility status including any records and regulations that may be relevant to the hearing.

The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family will be entitled to arrange for an interpreter to attend the hearing and to have the hearing recorded by audiotape, at the expense of the family.

The responsible entity shall provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 days of the date of the informal hearing. The decision shall state the basis for the decision. A decision against a family member, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

The responsible entity shall retain for a minimum of 5 years the documents that may have been submitted to the HA, or provided to the HA as part of the INS appeal or the informal hearing process:

- (1) The application for financial assistance;
- (2) The form completed by the family for income reexamination;
- (3) Photocopies of any original documents (front and back), including original INS documents;
- (4) The signed verification consent form;
- (5) The INS verification results;
- (6) The request for an INS appeal;
- (7) The final INS determination;
- (8) The request for an informal hearing; and
- (9) The final informal hearing decision

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xxx Changes April 15, 2007

VAWA Compliance

The Violence Against Women Act (VAWA) Amendments of 2005, requires the Municipality of Toa Baja to describe any goals, objectives, policies or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault or stalking. (Sec. 603).

- The Municipality of Toa Baja supports the goals of the VAWA Amendments and will comply with its requirements.
- The Municipality of Toa Baja will continue to administer its housing programs in ways that support and protect residents (including Section 8 Housing Choice Voucher program participants) and applicants who may be victims of domestic violence, dating violence, sexual assault or stalking.
- The Municipality of Toa Baja will not take any adverse action against a resident/participant or applicant solely on the basis of her or his being a victim of such criminal activity, including threats of such activity. “Adverse action” in this context includes denial or termination of housing assistance.
- The Municipality of Toa Baja will not subject a victim of domestic violence, dating violence, sexual assault or stalking to a more demanding standard for lease compliance than other residents.
- The Municipality of Toa Baja will develop policies and procedures as needed to implement the requirements of VAWA.

Sexual Offenders

The Municipality will modify its administrative plan to include the following policies:

Sex Related Criminal Activity

Anyone convicted of any type of sexual offense whether subject to lifetime registration requirement under state law or not required to register shall not be admitted to the Housing Choice Voucher Program.

In an effort to exclude “dangerous sex offenders” from the Housing Choice Voucher program, federal law prohibits anyone subject to state sex offense registries from

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admission or participation at the program. This lifetime exclusion from the program will protect children and other victims from violent, repeat sexual predators. In compliance with this requirement the Municipality will terminate assistance to any household in which a member is convicted for a sexual offense or who is subject to the lifetime registration or has been convicted for a sexual offense or who is subject to the lifetime registration.

XXXI Changes April 2008

Preferences	
1	Persons with disabilities (any member of the family)
	Hate crime victims
	Home Fire Victims
2	Victims of Domestic violence (Must provide current court order)
3	Evictions (Must provide evidence of eviction notice)
4	Elderly Persons
5	Toa Baja's Residents

Preference Definitions

Persons with Disabilities: This preference will apply to all family members living under the same roof.

Hate Crimes: This preference will apply to persons that have been victims, witnesses, or have been relate in any way to hate crimes.

Evictions: This preference will apply to families with children that have been issued final court orders specifying that they need to leave the property on a specific date.

Victims of Domestic Violence: This preference will apply only to victims with a current protection order.

Elderly Persons: This preference will apply to persons of sixty two years (62) old and over.

Home Fire Victims: This preference will apply to victims that had suffered fire destruction. If the victim is the **home owner** and qualifies because of low income, the program will provide a temporary voucher for up to 12 months. The voucher will be extended only with the authorization of the program and upon through

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evaluation of the case. If the victim is **renting the property** and qualifies under the Section 8 program income specifications, the program will grant the victim a voucher with preference (with no due date)

Toa Baja's Residents:

The Section 8 program will attend Toa Baja's residents before any applicant from other municipalities.

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