

# PHA Plans

## Streamlined Annual Version

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

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

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

**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.

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# Streamlined Annual PHA Plan

## for Fiscal Year: 2008 – 09

### PHA Name: RQ 042

**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 Coamo

**PHA Number:** RQ042

**PHA Fiscal Year Beginning: (July/ 2008)**

**PHA Programs Administered:**

**Public Housing and Section 8**

Number of public housing units:  
Number of S8 units:

**Section 8 Only**

Number of S8 units:

**Public Housing Only**

Number of public housing units:

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

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

**PHA Plan Contact Information:**

Name: Edna M. Luna  
TDD:

Phone: (787) 825-1150 Ext. 2046  
Email (if available): sec8@coamo.puertorico.pr

**Public Access to Information**

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

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

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

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

If yes, select all that apply:

X Main administrative office of the PHA

PHA development management offices

Main administrative office of the local, county or State government

Public library     PHA website     Other (list below)

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

X Main business office of the PHA     PHA development management offices

Other (list below)

## Streamlined Annual PHA Plan Fiscal Year 2008-09

[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 **(PAGE 6)**  
**903.7(k)(1)(i) Statement of Homeownership Programs**
- 4. Project-Based Voucher Programs
- X 5. PHA Statement of Consistency with Consolidated Plan. Complete only if PHA has changed any policies, programs, or plan components from its last Annual Plan. **(PAGE 8)**
- X 6. Supporting Documents Available for Review **(PAGE 9)**
- 7. Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report
- 8. Capital Fund Program 5-Year Action Plan

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

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

For PHAs Applying for Formula Capital Fund Program (CFP) Grants:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. Capital Improvement Needs**

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

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

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

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

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

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

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

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

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

4.  Yes  No: Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? If yes, list developments or activities below:

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

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

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

2. Program Description:

a. Size of Program

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

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

b. PHA-established eligibility criteria

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

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

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

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

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

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

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

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

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

[24 CFR Part 903.15]

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

1. Consolidated Plan jurisdiction: (provide name here)

### **COMMONWEALTH OF PUERTO RICO**

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

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

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

### **HOUSING FAMILY NEEDS ASSESSMENT**

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

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

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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
X	Any policies governing any Section 8 special housing types <input type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
	Public housing grievance procedures <input type="checkbox"/> Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. <input 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
	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
	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)
	Consortium agreement(s) and for Consortium Joint PHA Plans <u>Only</u> :	Joint Annual PHA Plan for

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection.	Consortia: Agency Identification and Annual Management and Operations

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

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





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

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

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

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



**Municipality of COAMO  
Administrative Plan**

**TABLE OF CONTENTS**

---

<b>1.0</b>	<b>EQUAL OPPORTUNITY</b> .....	<b>5</b>
1.1	FAIR HOUSING .....	5
1.2	REASONABLE ACCOMMODATION.....	5
1.3	COMMUNICATION.....	6
1.4	QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION.....	6
1.5	SERVICES FOR NON-SPANISH SPEAKING PERSONS AND PARTICIPANTS .....	7
1.6	FAMILY/OWNER OUTREACH.....	7
1.7	RIGHT TO PRIVACY .....	8
1.8	REQUIRED POSTINGS .....	8
<b>2.0</b>	<b>COAMO HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATION OF THE FAMILY</b> .....	<b>9</b>
2.1	COAMO HOUSING AUTHORITY RESPONSIBILITIES .....	9
2.2	OWNER RESPONSIBILITY .....	11
2.3	OBLIGATIONS OF THE PARTICIPANT.....	12
<b>3.0</b>	<b>ELIGIBILITY FOR ADMISSION</b> .....	<b>15</b>
3.1	INTRODUCTION .....	15
3.2	ELIGIBILITY CRITERIA.....	15
<b>4.0</b>	<b>MANAGING THE WAITING LIST</b> .....	<b>21</b>
4.1	OPENING AND CLOSING THE WAITING LIST .....	21
4.2	TAKING APPLICATIONS.....	21
4.3	ORGANIZATION OF THE WAITING LIST .....	22
4.4	FAMILIES NEARING THE TOP OF THE WAITING LIST .....	22
4.5	MISSED APPOINTMENTS .....	23
4.6	PURGING THE WAITING LIST .....	23
4.7	REMOVAL OF APPLICANTS FROM THE WAITING LIST .....	23
4.8	GROUNDNS FOR DENIAL.....	24
4.9	NOTIFICATION OF NEGATIVE ACTIONS.....	26
4.10	INFORMAL REVIEW .....	26
<b>5.0</b>	<b>SELECTING FAMILIES FROM THE WAITING LIST</b> .....	<b>27</b>
5.1	WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS.....	27
5.2	PREFERENCES .....	27
5.3	SELECTION FROM THE WAITING LIST.....	28
<b>6.0</b>	<b>ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)</b> .....	<b>28</b>

**Municipality of COAMO  
Administrative Plan**

6.1	BRIEFING .....	29
6.2	PACKET .....	30
6.3	ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY ...	32
6.4	TERM OF THE HOUSING CHOICE VOUCHER .....	32
6.5	APPROVAL TO LEASE A UNIT .....	33
6.6	COAMO HOUSING AUTHORITY DISAPPROVAL OF OWNER .....	34
6.7	INELIGIBLE/ELIGIBLE HOUSING .....	35
6.8	SECURITY DEPOSIT.....	37
<b>7.0</b>	<b>MOVES WITH CONTINUED ASSISTANCE.....</b>	<b>37</b>
7.1	WHEN A FAMILY MAY MOVE .....	38
7.2	PROCEDURES REGARDING FAMILY MOVES.....	38
<b>8.0</b>	<b>PORTABILITY.....</b>	<b>39</b>
8.1	GENERAL POLICIES OF THE COAMO HOUSING AUTHORITY .....	39
8.2	INCOME ELIGIBILITY .....	40
8.3	PORTABILITY: RECEIVING HOUSING AUTHORITY .....	40
8.4	PORTABILITY PROCEDURES .....	41
<b>9.0</b>	<b>DETERMINATION OF FAMILY INCOME.....</b>	<b>44</b>
9.1	INCOME, EXCLUSIONS AND DEDUCTIONS FROM INCOME.....	44
9.2	INCOME.....	44
9.3	EXCLUSIONS FROM INCOME.....	49
9.4	DEDUCTIONS FROM ANNUAL INCOME .....	53
9.5	RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME .....	54
9.6	COOPERATING WITH WELFARE AGENCIES .....	55
9.7	COOPERATING WITH LAW ENFORCEMENT AGENCIES .....	55
<b>10.0</b>	<b>VERIFICATION.....</b>	<b>56</b>
10.1	ACCEPTABLE METHODS OF VERIFICATION .....	56
10.2	TYPES OF VERIFICATION .....	59
10.3	VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS	61
10.4	VERIFICATION OF SOCIAL SECURITY NUMBERS .....	62
10.5	TIMING OF VERIFICATION .....	63
10.6	FREQUENCY OF OBTAINING VERIFICATION .....	63
10.7	SPECIAL VERIFICATION FOR ADULT STUDENTS.....	63
<b>11.0</b>	<b>RENT AND HOUSING ASSISTANCE PAYMENT .....</b>	<b>64</b>
11.1	GENERAL.....	64
11.2	RENT REASONABLENESS.....	64
11.3	COMPARABILITY.....	64
11.4	MAXIMUM SUBSIDY .....	65

**Municipality of COAMO  
Administrative Plan**

11.4.1	SETTING THE PAYMENT STANDARD .....	65
11.4.2	SELECTING THE CORRECT PAYMENT STANDARD FOR A FAMILY ....	66
11.4.3	AREA EXCEPTION RENTS .....	66
11.5	ASSISTANCE AND RENT FORMULAS .....	67
11.6	UTILITY ALLOWANCE .....	69
11.7	DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT .....	69
11.8	CHANGE OF OWNERSHIP .....	70
<b>12.0</b>	<b>INSPECTION POLICIES, HOUSING QUALITY STANDARDS, AND DAMAGE CLAIMS.....</b>	<b>70</b>
12.1	TYPES OF INSPECTIONS.....	71
12.2	OWNER AND FAMILY RESPONSIBILITY .....	71
12.3	HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401.....	72
12.4	LEAD-BASED PAINT REQUIREMENTS AND RESPONSIBILITIES .....	79
12.5	TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS .....	87
12.6	EMERGENCY FAIL ITEMS.....	88
12.7	ABATEMENT .....	88
<b>14.0</b>	<b>RECERTIFICATION .....</b>	<b>89</b>
14.0.1	CHANGES IN LEASE OR RENT .....	89
14.1	ANNUAL REEXAMINATION .....	90
14.1.1	EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS.....	90
14.1.2	MISSED APPOINTMENTS .....	91
14.2	INTERIM REEXAMINATIONS .....	91
14.2.1	SPECIAL REEXAMINATIONS.....	93
14.2.2	EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS.....	93
14.3	HOUSING AUTHORITY MISTAKES IN CALCULATING RENT .....	93
<b>15.0</b>	<b>TERMINATION OF ASSISTANCE TO THE FAMILY BY THE COAMO HOUSING AUTHORITY .....</b>	<b>94</b>
<b>16.0</b>	<b>COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, INFORMAL HEARINGS FOR PARTICIPANTS.....</b>	<b>96</b>
16.1	COMPLAINTS .....	96
16.2	INFORMAL REVIEW FOR THE APPLICANT.....	97
16.3	INFORMAL HEARINGS FOR PARTICIPANTS .....	99
<b>17.0</b>	<b>TERMINATION OF THE LEASE AND CONTRACT .....</b>	<b>104</b>
<b>18.0</b>	<b>INTELLECTUAL PROPERTY RIGHTS .....</b>	<b>109</b>

**Municipality of COAMO  
Administrative Plan**

**19.0 QUALITY CONTROL OF SECTION 8 PROGRAM..... 109**

**20.0 CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND  
ETHICAL STANDARDS..... 110**

    23.1 PURPOSE..... 110

    23.2 CONFLICT OF INTEREST..... 110

    23.3 PROHIBITION OF SOLICITATION OR ACCEPTANCE OF GIFTS ..... 110

    23.4 HOUSING AUTHOR. ADM. AND DISCIPLINARY REMEDIES FOR  
        VIOLATION OF HOUSING AUTH. CODE OF CONDUCT.....111

**21.0 ANTI-FRAUD POLICY..... 111**

**22.0 EXTRAS TENANT CHARGES PROHIBITIONS .....120**

**23.0 DOMESTIC VIOLENCE, DATING AND STAILKING.....124**

**24.0 GLOSSARY.....124**

**Municipality of COAMO  
Administrative Plan**

**SECTION 8 ADMINISTRATIVE PLAN**

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**1.0 EQUAL OPPORTUNITY**

**1.1 FAIR HOUSING**

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

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

To further its commitment to full compliance with applicable Civil Rights laws, the Coamo Housing Authority will provide Federal/State/local information to applicants for and participants in the Section 8 Housing Choice Voucher Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Coamo Housing Authority office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

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

**1.2 REASONABLE ACCOMMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Coamo Housing Authority housing programs and related services. When such accommodations which are granted they do not confer special treatment or advantage for the person with a disability; rather, they make the program fully accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Coamo Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Coamo Housing Authority will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

## **Municipality of COAMO Administrative Plan**

### ***1.3 COMMUNICATION***

Notifications of reexamination, inspection, appointment, or termination of assistance will include information about requesting a reasonable accommodation. Any notification requesting action by the participant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests will be in writing.

### ***1.4 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION***

A. Is the requestor a person with disabilities? For this purpose, the definition of disabilities is different from the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or are regarded as having such impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Coamo Housing Authority will obtain verification that the person requesting the accommodation is a person with a disability.

B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Coamo Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Coamo Housing Authority will not inquire as to the nature of the disability.

C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The Coamo Housing Authority's business is housing. If the request would alter the fundamental business that the Coamo Housing Authority conducts, that would not be reasonable. For instance, the Coamo Housing Authority would deny a request to have the Coamo Housing Authority do grocery shopping for the person with disabilities.

2. Would the requested accommodation create an undue financial hardship or

## **Municipality of COAMO Administrative Plan**

administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Coamo Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

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

If more than one accommodation is equally effective in providing access to the Coamo Housing Authority's programs and services, the Coamo Housing Authority retains the right to select the most efficient or economic choice.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The Housing Authority does not have responsibility for the owner's unit and does not have responsibility to make the unit accessible. The Housing Authority may, grant a higher payment standard for units where property owners make physical modifications for persons with disabilities so long as the payment standard does not exceed 110% of FMRs.

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

### **1.5 SERVICES FOR NON-SPANISH SPEAKING PERSONS AND PARTICIPANTS**

All applicants that appear to be experiencing difficulties communicating in Spanish will be asked if they need to communicate in a language other than Spanish (including sign language). Their needs will be accommodated as much as possible. If another family member or a friend can translate, this option will be utilized to the maximum degree possible. The Coamo Housing Authority will endeavor to have bilingual staff or access to people who speak languages other than Spanish.

### **1.6 FAMILY/OWNER OUTREACH**

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

To reach persons who cannot or do not read newspapers the Coamo Housing Authority will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The Coamo Housing Authority will also try to utilize public service announcements.

## **Municipality of COAMO Administrative Plan**

The Coamo Housing Authority will communicate the status of program availability to other service providers in the community and advise them of housing eligibility factors and guidelines so that they can make proper referral of their clients to the program.

The objective of this effort is to develop a waiting list that is representative of our low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for the Housing Choice Voucher Program. The Coamo Housing Authority will hold briefings for owners who participate in or who are seeking information about the Section 8 Program. The briefings are intended to:

- A. Explain how the program works;
- B. Explain how the program benefits owners;
- C. Explain owners' responsibilities (including lead-based paint) under the program. Emphasis is placed on quality screening and ways the Coamo Housing Authority helps owners do better screening; and
- D. Provide an opportunity for owners to ask questions, obtain written materials, and meet Coamo Housing Authority staff.

The Coamo Housing Authority will particularly encourage owners of suitable units located outside of low-income or minority concentration and owners of accessible units to attend.

### **1.7 RIGHT TO PRIVACY**

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

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

### **1.8 REQUIRED POSTINGS**

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

- A. The Section 8 Administrative Plan
- B. Notice of the status of the waiting list (opened or closed)

## **Municipality of COAMO Administrative Plan**

- C. Income Limits for Admission
- D. Informal Review and Informal Hearing Procedures
- E. Fair Housing Poster
- F. Equal Opportunity in Employment Poster

### **2.0 COAMO HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATION OF THE FAMILY**

This Section outlines the responsibilities and obligations of the Coamo Housing Authority, the Section 8 Owners/Landlords, and the participating families.

#### **2.1 COAMO HOUSING AUTHORITY RESPONSIBILITIES**

- A. The Coamo Housing Authority will comply with the consolidated ACC, the application the Coamo Housing Authority submitted to HUD to get the specific vouchers, HUD regulations and other requirements, and this Section 8 Administrative Plan.
- B. In administering the program, the Coamo Housing Authority will:
  - 1. Publish and disseminate information about the availability and nature of housing assistance under the program;
  - 2. Explain the program to owners and families;
  - 3. Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;
  - 4. Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;
  - 5. Affirmatively further fair housing goals and comply with equal opportunity requirements;
  - 6. Make efforts to help people with disabilities find satisfactory housing;
  - 7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a housing choice voucher to each selected family, and provide housing information to families selected;

## **Municipality of COAMO Administrative Plan**

8. Determine who can live in the assisted unit at admission and during the family's participation in the program;
9. Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5;
10. Review the family's request for approval of the tenancy and the owner/landlord lease, including the HUD prescribed tenancy addendum;
11. Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;
12. Determine the amount of the housing assistance payment for a family;
13. Determine the maximum rent to the owner, and whether the rent is reasonable;
14. Make timely housing assistance payments to an owner in accordance with the HAP contract;
15. Examine family income, size, and composition at admission and at least annually during the family's participation in the program. The examination includes verification of income and other family information;
16. Establish and adjust the Coamo Housing Authority utility allowance;
17. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the Coamo Housing Authority, if the owner defaults (e.g., HQS violation);
18. Determine whether to terminate assistance to a participant family for violation of family obligations;
19. Conduct informal reviews of certain Coamo Housing Authority decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain Coamo Housing Authority decisions concerning participant families;
21. Provide sound financial management of the program, including engaging an independent public accountant to conduct audits; and

## **Municipality of COAMO Administrative Plan**

### **2.2 OWNER RESPONSIBILITY**

- A. The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.
  
- B. The owner is responsible for:
  - 1. Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit (screening the tenant).
  - 2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
  - 3. Complying with equal opportunity requirements.
  - 4. Complying with the Housing Assistance Program contract (HAP).
  - 5. Preparing and furnishing to the Coamo Housing Authority information required under the HAP contract.
  - 6. Collecting from the family:
    - a. Any security deposit required under the lease.
    - b. The tenant contribution (the part of rent to owner not covered by the housing assistance payment).
    - c. Any charges for unit damage by the family.
  - 7. Entering into a lease and enforcing tenant obligations under the lease.
  - 8. Including in the lease a clause that provides that engaging in drug-related criminal activity on or near the premises by the tenant, household member, guest, or any other person under the tenant's control is grounds for the owner to terminate tenancy. In addition, the lease must also provide that the owner may evict a family when the owner determines that a household member is illegally using a drug or when the owner determines 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.
  - 9. Paying for utilities and services (unless paid by the family under the lease).
  
- C. For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities, see 24 CFR 100.203.

## **Municipality of COAMO Administrative Plan**

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

### **2.3 OBLIGATIONS OF THE PARTICIPANT**

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

#### **A. Supplying required information**

1. The family must supply any information that the Coamo Housing Authority or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.
2. The family must supply any information requested by the Coamo Housing Authority or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers and must sign and submit consent forms for obtaining information.
4. All information supplied by the family must be true and complete.

#### **B. HQS breach caused by the Family**

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

#### **C. Allowing Coamo Housing Authority Inspection**

The family must allow the Coamo Housing Authority to inspect the unit at reasonable times.

#### **D. Violation of Lease**

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

#### **E. Family Notice of Move or Lease Termination**

The family must notify the Coamo Housing Authority and the owner before the family moves out of the unit or terminates the lease by a notice to the owner.

#### **F. Owner Eviction Notice**

## **Municipality of COAMO Administrative Plan**

The family must promptly give the Coamo Housing Authority a copy of any owner eviction notice it receives.

### **G. Use and Occupancy of the Unit**

1. The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.
2. The Coamo Housing Authority must approve the composition of the assisted family residing in the unit. The family must inform the Coamo Housing Authority within 10 business days of the marriage of HOH, birth, adoption, or court-awarded custody of a child. No new family members will be allowed to reside in the unit except for an elderly parent requiring special care, foster child/foster adult or live-in aide as provided in paragraph (4) of this Section).
3. The family must notify the Coamo Housing Authority within 10 business days if any family member no longer resides in the unit.
4. If the Coamo Housing Authority has given approval, an elderly parent requiring special care, a foster child/foster adult or a live-in aide may reside in the unit. The Coamo Housing Authority has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the Coamo Housing Authority consent may be given or denied.
5. Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. Any business uses of the unit must comply with the lease, zoning requirements, and the affected household member must obtain all appropriate licenses.
6. The family must not sublease or let the unit.
7. The family must not assign the lease or transfer the unit.

### **H. Absence from the Unit**

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

## **Municipality of COAMO Administrative Plan**

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to 15 calendar days. The family must request permission from the Coamo Housing Authority for absences exceeding 15 calendar days. The Coamo Housing Authority will make a determination within five (5) business days of the request. An authorized absence may not exceed 180 calendar days. Any family absent for more than 15 calendar days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

1. Prolonged hospitalization – could be extended for up to 180 days
2. Absences beyond the control of the family (i.e., death in the family, other family member illness) – could be extended for up to 90 days.
3. Medical treatment – could be extended for up to 180 days.
4. Domestic Violence – could be extended for up to 180 days.

### **I. Interest in the Unit**

The family may not own or have any interest in the unit (except for people using a housing choice voucher to purchase a home).

### **J. Fraud and Other Program Violation**

The members of the family must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.

### **K. Crime by Household Members**

The members of the household may not engage in drug-related criminal activity or other violent criminal activity or other criminal activity that threatens the health safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

### **L. Other Housing Assistance**

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

### **M. Alcohol and/or Drug Abuse by Household Members**

The members of the household must not abuse alcohol and/or drugs in a way that threatens the health, safety, or right to peaceful enjoyment of other residents and/or persons residing in the immediate vicinity of the premises.

**Municipality of COAMO  
Administrative Plan**

**3.0 ELIGIBILITY FOR ADMISSION**

**3.1 INTRODUCTION**

There are five eligibility requirements for admission to Section 8 -- qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security Numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Coamo Housing Authority screening criteria in order to be admitted to the Section 8 Program.

**3.2 ELIGIBILITY CRITERIA**

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

**A. Family status** - All families must have a Head of Household or Co-Heads of Household who must be at least

1. 21 years of age or older.

OR

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

OR

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

OR

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

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

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

- a. Children temporarily absent from the home due to placement in foster care are considered family members.

## **Municipality of COAMO Administrative Plan**

- b. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size and income limit.
3. An **elderly family**, which is:
- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
  - b. Two or more persons who are at least 62 years of age living together; or
  - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
4. A **near elderly family**, which is:
- a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
  - b. Two or more persons who are at least 50 years of age but below the age of 62 living together; or
  - c. One or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.
5. A **disabled family**, which is:
- a. A family whose head, spouse, or sole member is a person with disabilities;
  - b. Two or more persons with disabilities living together; or
  - c. One or more persons with disabilities living with one or more live-in aides.
  - d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
6. A **displaced family** is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

## **Municipality of COAMO Administrative Plan**

7. A **remaining member of a tenant family** is a family member of an assisted family who remains in the unit when other family members have left the unit.
8. A **single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

### **B. Income eligibility**

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

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

To be eligible for a housing choice voucher the Head of Household or Co-Head must reside within the Municipality of Coamo.

## **Municipality of COAMO Administrative Plan**

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

To be eligible for a housing choice voucher at least one member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a (a)); or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

Family eligibility for assistance.

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

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

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

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

1. In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD and the Coamo Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
  - b. A provision authorizing HUD or the Coamo Housing Authority to verify with previous or current employers or other sources of

## **Municipality of COAMO Administrative Plan**

income information pertinent to the family's eligibility for or level of assistance;

- c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
- d. A statement allowing the Coamo Housing Authority permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and
- e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

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

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

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

## **Municipality of COAMO Administrative Plan**

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

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the Coamo Housing Authority will provide to the owner the name, address, and phone number of the applicant's current landlord and any previous landlords that are known to the housing authority.

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

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

The living-aide is a person who:

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

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

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

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

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

## **Municipality of COAMO Administrative Plan**

- I. Existent Utility Bills Up-to-Date** – Any family selected from the waiting list has to have the utility bills up-to-date.

### **4.0 Managing the Waiting List**

#### **4.1 *OPENING AND CLOSING THE WAITING LIST***

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

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

#### **4.2 *TAKING APPLICATIONS***

Families wishing to apply for the Section 8 Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at:

Mario Braschi #3  
Coamo, Puerto Rico 00769

Applications are taken to compile a waiting list. Due to the demand for Section 8 assistance in the Coamo Housing Authority jurisdiction, the Coamo Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

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

Applications will be made in person at the Coamo Housing Authority during specified dates and business hours posted at the Housing Authority offices.

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

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

## **Municipality of COAMO Administrative Plan**

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

Upon receipt of the family's pre-application, the Coamo Housing Authority will make a preliminary determination of eligibility.

An applicant is encouraged to report changes in their applicant status including changes in family composition, income, or preference factors. The Coamo Housing Authority will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

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

### **4.3 ORGANIZATION OF THE WAITING LIST**

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of date and time of application and then in order of local preferences.
- C. Any significant contact between the Coamo Housing Authority and the applicant will be documented in the applicant file.

All files (applicant or participant) shall be retained for three years from the date the file is closed, whether this is due to the surrender of a housing choice voucher or the removal of a person from the waiting list, whichever is later.

Note: The waiting list cannot be maintained by bedroom size under current HUD regulations.

### **4.4 FAMILIES NEARING THE TOP OF THE WAITING LIST**

When a family nears the top of the waiting list, the family will be invited to an interview and the verification for eligibility process will begin. It is at this point in time that the

## **Municipality of COAMO Administrative Plan**

family's waiting list preference will be verified. Annual income must be verified within 60 calendar days of the issuance of a housing choice voucher. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. If the Coamo Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

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

### **4.5 MISSED APPOINTMENTS**

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

The Coamo Housing Authority will send an appointment which states a due date for documents. The family must comply with such date. If the letter was returned to the HA, the returned shall be retained to prove it was sent to the given address. **Is responsibility of the applicants to notify in writing, if their address changes during the application process.**

### **4.6 PURGING THE WAITINGLIST**

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

The purge shall consist of the Coamo Housing Authority mailing via mail a form to be completed by the person on the waiting list and returned to the Housing Authority within 15 calendar days. If the envelope is returned as undeliverable or if no response is received from the applicant within the specified period, the applicant shall be stricken from the waiting list.

### **4.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The Coamo Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments;

## **Municipality of COAMO Administrative Plan**

- C. The applicant does not meet either the eligibility or screening criteria for the program; or
- D. The applicant has been issued a Housing Choice Voucher.

The reason for all removals from the waiting list shall be carefully documented in the applicant's file and retained for three years from the date the file is closed.

### **4.8 GROUND S FOR DENIAL**

The Coamo Housing Authority will deny assistance to applicants who:

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

However, the Coamo Housing Authority may admit the household if the PHA determines:

1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Coamo Housing Authority; or
  2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).
- F. Have a household member who is currently engaging in illegal use of a drug;
  - G. Have a household member whose illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
  - H. Have a household member who has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing;

## **Municipality of COAMO Administrative Plan**

- I. Have a household member who is subject to a lifetime registration requirement under a State sex offender registration program;
- J. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
- K. Have a household member who is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

The Coamo Housing Authority may deny assistance to applicants who:

- A. Have a household member who is currently engaged in, or has engaged in the following during the last 5 years before the projected date of admission:
  - a. Drug-related criminal activity;
  - b. Violent criminal activity;
  - c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
  - d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the Coamo Housing Authority (including an Coamo Housing Authority employee or an Coamo Housing Authority contractor, subcontractor or agent).

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

- B. Have a family member who violated any family obligations under previous participation in the program;
- C. Have a family member who has been evicted from federally assisted housing in the last five years;
- D. Have a family member that the Coamo Housing Authority ever terminated assistance for under the program;

## **Municipality of COAMO Administrative Plan**

- E. Have a family member who has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- F. Currently owes rent or other amounts to the Coamo Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act;
- G. Have not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- H. Have breached an agreement with Coamo Housing Authority to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority; Have engaged in or threatened abusive or violent behavior towards any Coamo Housing Authority staff member or resident;

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

### **4.9 NOTIFICATION OF NEGATIVE ACTIONS**

Any applicant whose name is being removed from the waiting list will be notified by the Coamo Housing Authority, in writing. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Coamo Housing Authority's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the Coamo Housing Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Coamo Housing Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

### **4.10 INFORMAL REVIEW**

If the Coamo Housing Authority determines that an applicant does not meet the criteria for receiving Section 8 assistance, the Coamo Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief

## **Municipality of COAMO Administrative Plan**

statement of the reason(s) for the decision, and state that the applicant may request an informal review of the decision within 10 business days of the denial. The Coamo Housing Authority will describe how to obtain the informal review. The informal review process is described in Section 16.2 of this Plan.

### **5.0 SELECTING FAMILIES FROM THE WAITING LIST**

#### **5.1 WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS**

The Housing Authority may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

If HUD awards funding that are targeted for families with specific characteristics or families living in specific units, the Coamo Housing Authority will use the assistance for those families. If this occurs, the Coamo Housing Authority will maintain records demonstrating that these targeted housing choice vouchers were used appropriately. When one of these targeted vouchers turns over, the voucher shall be issued to applicants with the same specific characteristic as the targeted program describes.

#### **5.2 PREFERENCES**

Consistent with the Coamo Housing Authority Agency Plan, the Coamo Housing Authority will select families based on the following preferences based on local housing needs and priorities. They are consistent with the Coamo Housing Authority's Agency Plan and the Consolidated Plan that covers our jurisdiction. Preferences shall be ranked in the order listed below:

- A. **Priority I: Elderly/Disabled Families.**
- B. **Priority II: Involuntarily Displacement.** Individuals or families are involuntarily displaced and not currently living in standard replacement housing. Applicants shall be considered involuntarily displaced if they have vacated or must vacate their housing unit as a result of a disaster ( whose dwelling has been extensively damaged or destroyed or otherwise formally recognized pursuant to Federal disaster relief laws), by government action and/or due to actual or threatened physical violence directed against the applicant or one or more family members of the applicants family by a current or former spouse or cohabitant, person with whom the applicant has or had a dating relationship; person with whom the applicant has a child, or another family member
- C. **Priority III: Domestic Violence**
- D. **Priority IV: Families with endangered children.** Due to illness or any other aspect which would affect them.

## **Municipality of COAMO Administrative Plan**

### **5.3 SELECTION FROM THE WAITING LIST**

All preferences are considered equal and applicants with one or more of these will be ranked highest on the waiting list. Applicants that certify to **Priority I** will be selected prior to other applicants on the waiting list and will be offered housing before any families in preference two. Applicants that certify to **Priority II** will be selected prior to other applicants within the month they have applied, and will be offered housing before any family with no preference. And so forth. All other applicants will receive a ranking of three (5). The Coamo Housing Authority will not deny a local preference, nor otherwise exclude or penalize a family in admission to the program, solely because the family resides in public housing.

The date and time of application will be utilized to determine the sequence within the above-prescribed preferences.

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

### **6.0 ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)**

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

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	3
3	4	5
4	6	8
5	9	10

## **Municipality of COAMO Administrative Plan**

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

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

Bedroom size will also be determined using the following guidelines:

- A. Children of the same sex will share a bedroom.
- B. Children of the opposite sex, both under the age of ten (10), will share a bedroom.
- C. Persons of different generations will not be required to share a bedroom.
- D. Foster adults and children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.
- F. Persons with disabilities who would require a bedroom.

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

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

### **6.1 BRIEFING**

When the Coamo Housing Authority selects a family from the waiting list, the family will be invited to attend a briefing explaining how the program works. In order to receive a housing choice voucher all of the adult members of the family are required to attend the briefing. If they cannot attend the originally scheduled briefing, they may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission.

## **Municipality of COAMO Administrative Plan**

If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, the Housing Authority will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or in an undue financial or administrative burden. In determining the most suitable auxiliary aid, the Housing Authority will give primary consideration to the requests of the applicant. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate location.

The briefing will cover at least the following subjects:

- A. A description of how the program works;
- B. Family and owner responsibilities;
- C. Where the family may rent a unit, including inside and outside the Housing Authority's jurisdiction;
- D. Types of eligible housing;
- E. An explanation of the advantages of living in an area that does not have a high concentration of poor families, including maps that show locations of housing opportunities outside areas of poverty or minority concentration, both within and outside its jurisdiction and neighboring its jurisdiction; has assembled information about job opportunities, schools, transportation, and other services in these areas;
- F. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard when the family initially rents a unit and the fact that the family may have to pay a security deposit from its own funds;
- G. A description of the homeownership program if one exists; and
- H. An explanation of information contained in the Housing Choice Voucher packet.

### **6.2 *PACKET***

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

- A. The term of the housing choice voucher and the Housing Authority's policy on extensions and suspensions of the term. The packet will include information on how to request an extension and forms for requesting extensions;
- B. How the Housing Authority determines the housing assistance payment and total tenant payment for the family;

## **Municipality of COAMO Administrative Plan**

- C. Information on the payment standard, exception payment standard rent areas, and the utility allowance schedule;
- D. How the Housing Authority determines the maximum rent for an assisted unit;
- E. Where the family may lease a unit.
- F. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease, and the HAP contract;
- G. The request for approval of the tenancy form and an explanation of how to request Housing Authority approval of a unit;
- H. A statement of the Housing Authority's policy on providing information to prospective owners. This policy requires applicants to sign disclosure statements allowing the Housing Authority to provide prospective owners with the family's current and prior addresses and the names and addresses of the landlords for those addresses;
- I. The Housing Authority's subsidy standards, including when the Housing Authority will consider granting exceptions to the standards such as a reasonable accommodation to a person with a disability;
- J. Information on Federal, State, and local equal opportunity laws; and a copy of the housing discrimination complaint form;
- K. A list of landlords or other parties known to the Coamo Housing Authority who may be willing to lease a unit to the family or help the family find a unit, including owners with properties located outside areas of poverty or minority concentration;
- L. Notice that if the family includes a person with disabilities, the family may request a current list of accessible units known to the Coamo Housing Authority that may be available;
- M. The family's obligations under the program;
- N. The grounds upon which the Housing Authority may terminate assistance because of the family's action or inaction;
- O. Coamo Housing Authority informal hearing procedures, including when the Housing Authority is required to provide the opportunity for an informal hearing, and information on how to request a hearing;

## **Municipality of COAMO Administrative Plan**

- R. The Coamo Housing Authority owner information brochure. This brochure can be given by the applicant to a prospective owner to help explain the program; and

### **6.3 *ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY***

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

When the family finds a unit that the owner is willing to lease under the program, the family and the owner will complete and sign a proposed lease, the HUD required tenancy addendum and the request for approval of the tenancy form. The terms of the HUD tenancy addendum shall prevail over any conflicting provisions of the lease. The family will submit the proposed lease and the request form to the Housing Authority during the term of the housing choice voucher. The Housing Authority will review the request, the lease, and the HUD required tenancy addendum and make an initial determination of approval of tenancy. The Housing Authority may assist the family in negotiating changes that may be required for the tenancy to be approvable. Once it appears the tenancy may be approvable, the Housing Authority will schedule an appointment to inspect the unit after the receipt of inspection request from the family and owner. The Housing Authority will promptly notify the owner and the family whether the unit and tenancy are approvable.

During the initial stage of qualifying the unit, the Housing Authority will provide the prospective owner with information regarding the program. Information will include Housing Authority and owner responsibilities for screening and other essential program elements. The Housing Authority will provide the owner with the family's current and prior address as shown in the Housing Authority records along with the name and address (if known) of the landlords for those addresses.

Additional screening is the responsibility of the owner.

### **6.4 *TERM OF THE HOUSINGCHOICE VOUCHER***

The initial term of the voucher will be 30 calendar days and will be stated on the Housing Choice Voucher.

The Housing Authority may grant one extension of the term, but the initial term plus any extensions will not exceed 60 calendar days from the initial date of issuance without an extraordinary reason. To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request. If the family documents their efforts and additional time can reasonably be expected to result in success, the Housing Authority will grant the length of request sought by the family or 30 calendar days, whichever is less. If the Coamo Housing Authority causes a delay in any way through the process for the family

## **Municipality of COAMO Administrative Plan**

to rent or search for a unit, the family will have up to 30 additional days, for a maximum of 90 calendar days. No additional search time will be allowed after the 90 days.

If the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension allowing the family the full 90 calendar days search time. No additional search time will be allowed after the 90 days.

If a family's voucher expires, the family is no longer eligible for housing assistance. They are free to re-apply to the Housing Choice Voucher program and start over again at the bottom of the waiting list. If the waiting list is closed, they must wait until the Coamo Housing Authority is once again accepting applicants for the Section 8 program. They will be treated exactly like all other new applicants for the program.

### **6.5 APPROVAL TO LEASE A UNIT**

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

- A. The unit is eligible;
- B. The unit is inspected by the Housing Authority and passes HQS;
- C. The lease is approvable and includes the following:
  - 1. The names of the owner and the resident;
  - 2. The address of the unit rented;
  - 3. The term of the lease (initial term and any provisions for renewal);
  - 4. The amount of the monthly rent to owner;
  - 5. A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family; and
  - 6. The required HUD tenancy addendum.
- D. The rent to owner is reasonable;
- E. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;
- F. The owner certifies that he or she is not in a conflict of interest situation with the resident.
- G. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the Housing Authority; and

## **Municipality of COAMO Administrative Plan**

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

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

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

- A. The unit passes the Housing Authority HQS inspection;
  - B. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;
  - C. The landlord and resident sign the lease to include the HUD required addendum;
- and
- D. The Housing Authority approves the leasing of the unit.

The Housing Authority will prepare the contract when the unit is approved for tenancy. Generally, the landlord, simultaneously with the signing of the lease and the HUD required tenancy addendum, will execute the contract. Upon receipt of the executed lease and the signed contract by the landlord, the Housing Authority will execute the contract. The Housing Authority will not pay any housing assistance to the owner until the contract is executed.

In no case will the contract be executed later than 30 calendar days after the beginning of the lease term.

Any contract executed after the 30-day period will be void and the Housing Authority will not pay housing assistance to the owner.

### **6.6 COAMO HOUSING AUTHORITY DISAPPROVAL OF OWNER**

The Housing Authority will deny participation by an owner at the direction of HUD (one who has been debarred, suspended, or is subject to a limited denial of participation). The Housing Authority will also deny the owner's participation for any of the following reasons:

- A. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
- B. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;

## **Municipality of COAMO Administrative Plan**

- C. The owner has engaged in drug-related criminal activity or any violent criminal activity;
- D. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
- E. The owner has a history or practice of renting units that fail to meet State or local codes;
- F. The owner has not paid State or local real estate taxes, fines, or assessments;
- G. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the:
  - 1. premises by residents, Coamo Housing Authority employees or owner employees; or
  - 2. residences by neighbors;
- H. If the owner is the parent, child, grandparent, grandchild, sister, or brother or any member of the family of an applicant seeking the initial use of a housing choice voucher (currently shopping) unless the Coamo Housing Authority determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;
- I. The Housing Authority has been informed by HUD that the federal government has instituted an administrative or judicial action against the owner for a violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending or a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements; or
- J. Other conflicts of interest under Federal, State, or Local law.

### **6.7 INELIGIBLE/ELIGIBLE HOUSING**

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

- A. Public housing or Indian housing unit;
- B. A unit receiving project-based assistance under a Section 8 Program;

## **Municipality of COAMO Administrative Plan**

- C. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services;
- D. College or other school dormitories;
- E. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- F. A unit occupied by its owner. This restrictions do not apply to units being purchased under a Section 8 Homeownership Program; and
- G. A unit receiving any duplicative Federal, State, or Local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit.

The Coamo Housing Authority will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

- a. Congregate housing
- b. Group homes
- c. Shared housing
- d. Cooperative housing
- e. Single room occupancy housing

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

- A. Single family dwellings
- B. Apartments
- C. Manufactured housing
- D. Lease-purchase agreements. A family leasing a unit with assistance under the program may enter into an agreement with an owner to purchase the unit. So long as the family is receiving such rental assistance, all requirements applicable to families otherwise leasing units under the tenant-based program apply. Any homeownership premium (e.g., increment of value attributable to the value of the lease-purchase right or agreement such as an extra monthly payment to accumulate a down payment or reduce the purchase price) included in the rent to the owner that would result in a higher subsidy amount than would otherwise be paid by the Coamo Housing Authority must be absorbed by the family.

## **Municipality of COAMO Administrative Plan**

In determining whether the rent to owner for a unit subject to a lease-purchase agreement is a reasonable amount in accordance with 24 CFR 982.503, any homeownership premium paid by the family to the owner must be excluded when the Coamo Housing Authority determines rent reasonableness. If a property, has both HUD issued project-based assisted units and market rate units, housing choice vouchers can be utilized in the market rate units, but not the project-based units. In this situation, rent reasonableness will dictate that the rent for the housing choice voucher unit will equal the HUD-approved rent (the basic rent) for the project-based units as long as it is within the Coamo Housing Authority's payment standard. In addition, the Coamo Housing Authority's utility schedule will be utilized in setting the rent, not the property's utility schedule. Finally, the Coamo Housing Authority will re-certify everyone living in a property utilizing tenant-based housing choice vouchers and the landlord will be responsible for the re-certification of those residing in the property using project-based vouchers.

### **6.8 SECURITY DEPOSIT**

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

When the resident 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 participant, damages to the unit or for other amounts, the family owes under the lease.

The owner must give the participant 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 resident in compliance with State law.

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.

### **7.0 MOVES WITH CONTINUED ASSISTANCE**

Participating families are allowed to move to another unit after the initial lease has expired, if the landlord and the participant have mutually agreed to terminate the lease, or if the Housing Authority has terminated the HAP contract. The Coamo Housing Authority will issue the family a new housing choice voucher if the family does not owe the Coamo Housing Authority or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a housing choice voucher within the last 12 months, and if the Coamo Housing Authority has sufficient funding for continued

## **Municipality of COAMO Administrative Plan**

assistance. If the move is necessitated for a reason other than family choice, the 12-month requirement will be waived.

### **7.1 *WHEN A FAMILY MAY MOVE***

For families already participating in the Housing Choice Voucher Program, the Coamo Housing Authority will allow the family to move to a new unit if:

- A. The assisted lease for the old unit has terminated;
- B. The owner has given the resident a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the participant;
- C. The participant has given notice of lease termination (if the participant has a right to terminate the lease on notice to the owner). or
- D. Has not move in a twelve (12) month period.

### **7.2 *PROCEDURES REGARDING FAMILY MOVES***

Families considering transferring to a new unit will be scheduled to attend a mover's briefing. All families who are moving, including any families moving into or out of the Coamo Housing Authority's jurisdiction, will be required to attend a mover's briefing prior to the Coamo Housing Authority entering a new HAP contract on their behalf.

This briefing is intended to provide the following:

- A. A refresher on program requirements and the family's responsibilities. Emphasis will be on giving proper notice and meeting all lease requirements such as leaving the unit in good condition;
- B. Information about finding suitable housing and the advantages of moving to an area that does not have a high concentration of poor families;
- C. Payment standards, exception payment standard rent areas, and the utility allowance schedule;
- D. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard when initially renting a unit;
- E. Portability requirements and opportunities;

## **Municipality of COAMO Administrative Plan**

- F. The need to have a reexamination conducted within 90 calendar days prior to the move;
- G. An explanation and copies of the forms required to initiate and complete the move; and
- H. All forms and brochures provided to applicants at the initial briefing.

Families are required to give proper written notice of their intent to terminate the lease. **The family must notify at least sixty (60) days prior to the expiration of the current lease**, except for those families who needs to move to escape domestic violence, dating violence or stalking. **During the initial term, families cannot end the lease.** If the family moves from the unit before the initial term of the lease ends, it will be considered a serious lease violation and subject the family to termination from the program.

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

A family who gives notice to terminate the lease must mail the notice by certified mail or have the landlord or his agent sign a statement stating the date and time received. The family will be required to provide the certified mail receipt and a copy of the lease termination notice to the Coamo Housing Authority, or a copy of the lease termination notice and the signed statement stating the date and time the notice was received. If the landlord or his/her agent does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made.

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

## **8.0 PORTABILITY**

### **8.1 GENERAL POLICIES OF THE COAMO HOUSING AUTHORITY**

A family whose head or spouse has a domicile (legal residence) in the jurisdiction of the Coamo Housing Authority at the time the family first submits its application for participation in the program to the Coamo Housing Authority may lease a unit anywhere in the jurisdiction of the Coamo Housing Authority.

Families participating in the Housing Choice Voucher Program will not be allowed to move more than once in any 12-month period. Under extraordinary circumstances, the Coamo Housing Authority may consider allowing more than one move in a 12 month

## **Municipality of COAMO Administrative Plan**

period as when a family may need to move to escape domestic violence, dating violence, or stalking. The Coamo Housing Authority under no circumstances will allow a participant to improperly break a lease, unless if it necessary to do so, to escape domestic violence, dating violence or stalking.

Families participating in the Housing Choice Voucher Program may only move to a jurisdiction where a Housing Choice Voucher is being absorbed.

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

If a family has moved out of their assisted unit in violation of the lease, the Coamo Housing Authority will not issue a voucher and will terminate assistance in compliance with Section 17.0, Termination of the Lease and Contract.

The family must request Portability at least 60 days prior to the expiration of the current lease, except for those families who needs to move to escape domestic violence, dating violence or stalking. No request will be considered if it does not comply with this requirement.

### **8.2 *INCOME ELIGIBILITY***

- A. A family must be income-eligible in the area where the family first leases a unit with assistance in the Housing Choice Voucher Program.
- B. If a portable family is already a participant in the Initial Housing Authority's Housing Choice Voucher Program, income eligibility is not re-determined.

### **8.3 *PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY***

- A. When a family utilizes portability to move to an area outside the Initial Housing Authority jurisdiction, another Housing Authority (the Receiving Housing Authority) must absorb assistance for the family if that Housing Authority has a tenant-based program covering the area where the unit is located.
- B. A Housing Authority with jurisdiction in the area where the family wants to lease a unit must issue the family a housing choice voucher. If there is more than one such housing authority, the Initial Housing Authority may choose which housing authority shall become the Receiving Housing Authority.

## **Municipality of COAMO Administrative Plan**

### **8.4 PORTABILITY PROCEDURES**

- A. When the Coamo Housing Authority is the Initial Housing Authority:
1. The Coamo Housing Authority will brief the family on the process that must take place to exercise portability. The family will be required to attend an applicant or mover's briefing.
  2. The Coamo Housing Authority will advise the family how to contact and request assistance from the Receiving Housing Authority by giving them the name and telephone number of the person responsible for working with incoming portability families and any procedures related to getting an appointment for the issuance of a voucher.
  3. The Coamo Housing Authority will, within ten (10) calendar days, notify the Receiving Housing Authority to expect the family via telephone, fax, or email.
  4. The Coamo Housing Authority will immediately mail or fax the Receiving Housing Authority a completed Part I of HUD Form 52665, the most recent HUD Form 50058 (Family Report) for the family, and related verification information.
- B. When the Coamo Housing Authority is the Receiving Housing Authority:
1. When the portable family requests assistance from the Coamo Housing Authority, the Coamo Housing Authority will within fourteen (10) calendar days of HAP contract execution (not its effective date) inform the Initial Housing Authority that it will absorb the family into its program or notify the Initial Housing Authority within the time limit set forth in Part I of the 52665 that it will bill the Initial Housing Authority for assistance on behalf of the portable family. Completing Part II of HUD Form 52665 in a timely manner will accomplish this. If the family is absorbed, the Coamo Housing Authority will also send the Initial Housing Authority a new HUD Form 50058.
  2. The Coamo Housing Authority will issue a voucher to the family within fourteen (10) calendar days as long as the initial voucher has not expired (if it has expired, the family shall be referred back to the Initial Housing Authority). The term of the Coamo Housing Authority's voucher will not expire before the expiration date of any Initial Housing Authority's housing choice voucher. The Coamo Housing Authority will determine whether to extend the housing choice voucher term. The decision to extend will take into account the Coamo Housing Authority's existing absorption policy and the billing deadline date provided by the Initial

## **Municipality of COAMO Administrative Plan**

Housing Authority in the 52665. If an extension is granted, the Initial Housing Authority will be informed of this decision. The family must submit a request for tenancy approval to the Coamo Housing Authority during the term of the Coamo Housing Authority's housing choice voucher. If the Coamo Housing Authority has decided to bill the Initial Housing Authority, the request for tenancy approval must be processed in enough time for the Initial Housing Authority to process a Request for Lease Approval and execute a HAP contract before the billing deadline date.

3. The Coamo Housing Authority will determine the family unit size for the portable family. The family unit size is determined in accordance with the Coamo Housing Authority's subsidy standards.
4. The Coamo Housing Authority will notify the Initial Housing Authority if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the housing choice voucher. In any event, the Coamo Housing Authority will notify the Initial Housing Authority of what is occurring before the expiration of the deadline established in the HUD Form 52665. If the family has leased a unit, the Coamo Housing Authority will notify the Initial Housing Authority of this fact in enough time for the Initial Housing Authority to process a Request for Lease Approval and execute a HAP contract if the Coamo Housing Authority intends to bill the Initial Housing Authority.
5. In order to provide tenant-based assistance for portable families, the Coamo Housing Authority will perform all Housing Authority program functions, such as reexaminations of family income and composition. At any time, either the Initial Housing Authority or the Coamo Housing Authority may make a determination to deny or terminate assistance to the family. If assistance is denied or terminated, the family shall have a right to an informal hearing.
6. The Coamo Housing Authority may deny or terminate assistance for family action or inaction in accordance with 24 CFR 982.552 and 24 CFR 982.553.
7. Although the Coamo Housing Authority will promptly issue a voucher to an incoming portability family, it will still subject the families to its normal screening procedures. If the family fails to pass the screening thresholds either the voucher will be revoked or the family will be terminated from the program if a unit has already been leased.

## **Municipality of COAMO Administrative Plan**

### C. Absorption by the Coamo Housing Authority

If funding is available under the consolidated ACC for the Coamo Housing Authority's Housing Choice Voucher Program when the portable family is received, the Coamo Housing Authority may absorb the family into its Housing Choice Voucher Program. The decision to absorb or not will be made on a case-by-case basis and will solely be the decision of the Coamo Housing Authority. If absorbed, the family is assisted with funds available under the consolidated ACC for the Coamo Housing Authority's Tenant-Based Program.

### D. Portability Billing

To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees as long as all HUD required deadlines have been compiled with. The billing procedure will be as follows:

1. As the Initial Housing Authority, the Coamo Housing Authority will within thirty (30) calendar days of receipt of the completed Part II of the HUD Form 52665 reimburse the Receiving Housing Authority for the full amount of the housing assistance payments made by the Receiving Housing Authority for the portable family in a form and manner the Receiving Housing Authority is able and willing to accept. Payments made after the first payment shall be sent in time for the Receiving Housing Authority to receive the payment no later than the fifth working day of the month. The amount of the housing assistance payment for a portable family in the Receiving Housing Authority's program is determined in the same manner as for other families in the Receiving Housing Authority's program.
2. The Initial Housing Authority will promptly reimburse the Receiving Housing Authority for 80% of the Initial Housing Authority's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs and is assisted by the Receiving Housing Authority.

### E. When a Portable Family Moves

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

### F. On-going Responsibilities as a Receiving Housing Authority

## **Municipality of COAMO Administrative Plan**

When the Coamo Housing Authority is a receiving agency, it will:

1. Send the Initial Housing Authority an updated HUD Form 50058 at each annual recertification so the Initial Housing Authority can reconcile it with its records.
2. Send the Initial Housing Authority a copy of any new HUD Forms 52665s and 50058s to report any change in the billing amount with ten (10) working days of the effective date of any change in the billing amount.
3. If the Coamo Housing Authority decides to absorb a family it had previously been billing for, it shall notify the Initial Housing Authority within ten (10) working days following the effective date of the termination of the billing arrangement.
4. If the family decides it wants to move to yet another jurisdiction, the Initial Housing Authority shall be promptly notified and requested to send a new HUD Form 52665 and supporting documentation to the new Receiving Housing Authority.

### **9.0 DETERMINATION OF FAMILY INCOME**

#### **9.1 *INCOME, EXCLUSIONS AND DEDUCTIONS FROM INCOME***

To determine annual income, the Coamo Housing Authority counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Coamo Housing Authority subtracts all allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

#### **9.2 *INCOME***

- A. Annual income means all amounts, monetary or not, that:
1. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or
  2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
  3. Are not specifically excluded from annual income.

If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the Coamo Housing Authority believes that past

## **Municipality of COAMO**

### **Administrative Plan**

income is the best available indicator of expected future income, the Coamo Housing Authority may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

- B. Annual income includes, but is not limited to the amounts specified in the federal regulations currently found in 24 CFR 5.609:
1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
  2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
  3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.
  4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

## **Municipality of COAMO Administrative Plan**

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
6. Welfare assistance.
  - a. Welfare assistance payments
    - i. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
      - (1). Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
      - (2). Are not otherwise excluded under paragraph Section 9.3 of this Plan.
    - ii. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
      - (1). The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
      - (2). The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
  - b. Imputed welfare income.
    - 1). A family's annual income includes the amount of imputed welfare income (because of welfare benefits reductions resulting from either welfare fraud or the failure to comply

## **Municipality of COAMO**

### **Administrative Plan**

with economic self-sufficiency requirements, as specified in notice to the Coamo Housing Authority by the welfare agency), plus the total amount of other annual income.

- 2). At the request of the Coamo Housing Authority, the welfare agency will inform the Coamo Housing Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Coamo Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Coamo Housing Authority will use this information to determine the amount of imputed welfare income for a family.
- 3). A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the Coamo Housing Authority by the welfare agency).
- 4). The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
- 5). The Coamo Housing Authority will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- 6). If a participant is not satisfied that the Coamo Housing Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Coamo Housing Authority denies the family's request to modify such amount, then the Coamo Housing Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the Coamo Housing Authority's determination of the amount of imputed welfare income. The Coamo Housing Authority's notice shall also state that if the resident does not agree with the determination, the resident may contest the decision in accordance with our informal review policy.

## **Municipality of COAMO**

### **Administrative Plan**

- 7). Relations with welfare agencies
  - a). The Coamo Housing Authority will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Coamo Housing Authority written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
  - b). The Coamo Housing Authority is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the agency. However, the Coamo Housing Authority is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
  - c). Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The Coamo Housing Authority shall rely on the welfare agency notice to the Coamo Housing Authority of the welfare agency's determination of a specified welfare benefits reduction.
- 8) Periodic and determinable allowances, such as alimony and child Support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.

## **Municipality of COAMO Administrative Plan**

- 9) All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

### **9.3 EXCLUSIONS FROM INCOME**

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the participant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The amount of student financial assistance paid directly to the student or to the educational institution for tuition. For Section 8, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
  - 1. Amounts received under training programs funded by HUD;
  - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

## **Municipality of COAMO Administrative Plan**

3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiative coordination, and serving as a member of the Coamo Housing Authority's governing board. No resident may receive more than one such stipend during the same period of time.
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring, or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
11. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
12. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services

## **Municipality of COAMO Administrative Plan**

and equipment needed to keep the developmentally disabled family member at home; or

13. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.

These exclusions include:

- a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b. Payments to Volunteers under the domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);
- h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);

## **Municipality of COAMO**

### **Administrative Plan**

- i. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- k. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement *In Re Agent*-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
- r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and

**Municipality of COAMO**  
**Administrative Plan**

- s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
- t. The \$600 transitional assistance subsidy, for applicants and tenants enrolled in the Medicare transitional assistance program, effective the date of receiving the benefits and any negotiated drug discounts received pursuant to the Medicare prescription drug discount card. This expires on May 15, 2006 or when the participant enrolls in the Medicare Prescription Drug Program.
- u. Any low-income subsidy received to assist low-income persons in paying for their Medicare prescription drug Program.

**9.4 DEDUCTIONS FROM ANNUAL INCOME**

The following deductions will be made from annual income:

- A. \$480 for each dependent
- B. \$400 for any elderly family or disabled family
- C. The sum of the following, to the extent the sum exceeds three percent of annual income:
  - 1. Unreimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program; and
  - 2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
- D. Reasonable childcare expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.
- E. For persons with disabilities already participating in the program, the incremental earnings due to employment during a cumulative 12-month period following the

## **Municipality of COAMO Administrative Plan**

date of the initial hire shall be excluded. This exclusion is only available to the following families:

1. Families whose income increases as a result of employment of a disabled family member who was previously unemployed (defined as working less than 10 hours a week at the established minimum wage) for one or more years.
2. Families whose income increases during the participation of a disabled family member in any economic self-sufficiency or other job training program.
3. Persons with disabilities who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program for at least \$500.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

### **9.5 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME**

- A. If a Section 8 participant receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification within thirty (30) calendar days of receipt by the participant.
- B. The Housing Program Director shall reconcile any difference between the amount reported by the participant and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. After the reconciliation is complete, the Coamo Housing Authority shall, if appropriate, adjust the participant's rental contribution beginning at the start of the next month. If the reconciliation is completed during the final five (5) calendar days of the month, the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the participant had not previously reported the proper income, the Coamo Housing Authority shall do one of the following:
  1. Immediately collect the back over paid assistance paid by the agency;
  2. Establish a repayment plan for the resident to pay the sum due to the agency;

## **Municipality of COAMO Administrative Plan**

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

### **9.6 COOPERATING WITH WELFARE AGENCIES**

The Coamo Housing Authority will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

- A. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency.
- B. To provide written verification to the Coamo Housing Authority concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

### **9.7 COOPERATING WITH LAW ENFORCEMENT AGENCIES**

The Coamo Housing Authority will comply, on a case-by case basis, with information requests from Federal, State, or Local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. The Coamo Housing Authority will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State, or Local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

- A. The law enforcement agency shall notify Coamo Housing Authority that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;
- B. The location or apprehension of the recipient is within the Coamo Housing Authority's official duties; and,

## **Municipality of COAMO Administrative Plan**

- C. The request is made in the proper exercise of the law enforcement agency's official duties.

### **10.0 VERIFICATION**

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

#### **10.1 ACCEPTABLE METHODS OF VERIFICATION**

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

Other information will be verified by the following five verification methods acceptable to HUD, in the order of preference indicated:

##### **1. Up-front Income Verifications (UIV)**

UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current UIV resources include the following:

- a. **Enterprise Income Verification (EIV)** – HUD's online wage and benefit system that allows the Coamo Housing Authority to verify tenant-reported income from an independent source in computerized form.
- b. **State Wage Information Collection Agencies (SWICAs)**
- c. **State systems for the Temporary Assistance for Needy Families (TANF) program**

## **Municipality of COAMO Administrative Plan**

**d. Credit Bureau Information (CBA) credit reports**

**e. Internal Revenue Service (Form W-2 from PR Department)**

The Coamo Housing Authority will use additional UIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate.

It is important to note that UIV data will only be used to verify the participant's eligibility for participation in a rental assistance program and to determine, the level of assistance the participant is entitled to receive and only by properly trained persons, whose duties require access to this information. Any other use, unless approved by the HUD Headquarters UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until the Coamo Housing Authority has independently verified the UIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the Coamo Housing Authority requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the Coamo Housing Authority derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

**2. Third –Party Written Verifications**

This type of verification includes written documentation, with forms sent directly to and received directly from a source, not passed through the hands of the family. It may also be a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, etc.

Third-party written verifications may also be used to supplement Up-front Income Verifications. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the UIV results.

Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's on-line

## **Municipality of COAMO Administrative Plan**

systems. If either of these forms of verification is not obtainable, then the file shall be documented as to why third party verification was not used.

The Coamo Housing Authority will allow two (2) weeks for the return of third party written verifications prior to continuing on to the next type of verification.

### **3. Third-Party Oral Verifications**

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The Coamo Housing Authority will allow ten (10) business days for the return of third party oral verifications prior to continuing on to the next type of verification.

### **4. Review of Documents**

When UIV, written and oral third party verifications are not available within the two (2) weeks and ten (10) business day's period allowed in paragraphs 2 and 3 above, the Housing Authority will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

### **5. Self-Certification and Self-Declaration**

When UIV, written and oral third party verifications are not available within the two (2) week and 10 (10) business days period allowed in paragraphs 2 and 3 above, and hand-carried verification cannot be obtained, the Housing Authority will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

## Municipality of COAMO Administrative Plan

When any verification method other than Up-Front Income Verification is utilized, the Coamo Housing Authority will document the reason for the choice of the verification methodology in the applicant/resident's file.

### 10.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Coamo Housing Authority will send a request form to the source along with a release form signed by the applicant/participant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, electronic reports	Social Security card or a third party document stating the Social Security Number
Adult Status of the Head Household		Valid drivers license, identification card issued by a government agency or a birth certificate.
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school and/or college students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or	Bills, receipts, records of payment, dates of trips, mileage log, receipts

**Municipality of COAMO  
Administrative Plan**

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
	companion animal is needed	for fares and tolls
Medicare Prescription Drug Coverage		A card issued by the private prescription drug plan with the words Medicare Rx on it.
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Cash value of whole life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of Worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts. Self Certification.
Regular gifts and contribution	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider or pays private school could so state)	Bank deposits, other similar Evidence
Alimony/child support	Court order, letter from source, letter From Human Services	Record of deposits, divorce decree
Social Security Administration		Letter from Social Security as verified by HUD computer systems

**Municipality of COAMO  
Administrative Plan**

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
Periodic payments (i.e., welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating - whether enrolled - whether training is HUD-funded - whether State or local program - whether it is employment training - whether payments are for out- of pocket expenses incurred in order to participate in a program	N/A

**10.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS**

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

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

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

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

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

## **Municipality of COAMO Administrative Plan**

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program. If they are members of families that include citizens, the rent must be pro-rated.

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

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

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

If the Coamo Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

### ***10.4 VERIFICATION OF SOCIAL SECURITY NUMBERS***

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

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

If individuals state that they do not have a Social Security Number, they will be required to sign a statement to this effect. An adult must sign for minor children. The Coamo Housing Authority will not require any individual who does not have a Social Security Number to obtain a Social Security Number.

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

If a member of a participating family indicates they have a Social Security Number, but

## **Municipality of COAMO Administrative Plan**

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

### ***10.5 TIMING OF VERIFICATION***

Verification must be dated within sixty (60) calendar days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

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

### ***10.6 FREQUENCY OF OBTAINING VERIFICATION***

Household income and composition will be verified at least annually.

For each family member, citizenship/eligible noncitizen status will be verified only once unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

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

### ***10.7 SPECIAL VERIFICATION FOR ADULT STUDENTS***

In addition to other verification procedures, student head of households must provide a written signed certification that the student does or does not receive any financial support from his or her parents or guardians and whether or not the student is receiving an athletic scholarship. If support is received, the certification must state the amount of the anticipated support. The Coamo Housing Authority shall verify using normal third party verification procedures that amount by communicating directly with the supporting person(s). If an athletic scholarship is involved, the Coamo Housing Authority shall determine if any of the scholarship is available for housing costs.

**Municipality of COAMO**  
**Administrative Plan**

**11.0 RENT AND HOUSING ASSISTANCE PAYMENT**

**11.1 GENERAL**

**11.2 RENT REASONABLENESS**

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

- D. Before any increase in rent to owner is approved;
- E. If 60 calendar days before the contract anniversary date there is a 5% decrease in the published FMR as compared to the previous FMR; and
- F. If the Housing Authority or HUD directs that reasonableness, be re-determined.

**11.3 COMPARABILITY**

In making a rent reasonableness determination, the Housing Authority will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods. The Housing Authority will consider the location, type, quality, size, number of bedrooms, age, amenities, housing services, maintenance, and utilities of the unit and the comparable units. The results of this determination shall be documented in the participant's file.

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

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

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

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

## **Municipality of COAMO Administrative Plan**

### ***11.4 MAXIMUM SUBSIDY***

The payment standard adopted by the Coamo Housing Authority is 100% of the Fair Market Rent that has been approved by HUD and determines the maximum subsidy for a family.

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

#### ***11.4.1 Setting the Payment Standard***

The Statute requires that the payment standard be set by the Housing Authority at between 90 and 110% of the FMR without HUD's prior approval. The Coamo Housing Authority will review its determination of the payment standard annually after publication of the FMRs. The Coamo Housing Authority will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of housing choice voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program. If it is determined that success rates will suffer or that families are having to rent low quality units located only in poverty-impacted neighborhoods, or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships. The objective is to allow families a reasonable selection of modest, decent, and safe housing in a range of neighborhoods.

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

Payment standards will not be raised solely to allow the renting of luxury quality units.

If success levels are projected to be extremely high and rents are projected to be at or below 30% of income, the Housing Authority will reduce the payment standard. Payment standards for each bedroom size are evaluated separately so that the payment standard for one bedroom size may increase or decrease while another remains unchanged. The Coamo Housing Authority may consider adjusting payment standards at times other than the annual review when circumstances warrant.

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

## **Municipality of COAMO Administrative Plan**

### ***11.4.2 Selecting the Correct Payment Standard for a Family***

- A. For the housing choice voucher tenancy, the payment standard for a family is the lower of:
  - 1. The payment standard for the family unit size; or
  - 2. The payment standard for the unit size rented by the family.
- B. If the unit rented by a family is located in an exception rent area, the Housing Authority will use the appropriate payment standard for the exception rent area.
- C. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
  - 1. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
  - 2. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- D. At the next annual reexamination following a change in family size or composition during the HAP contract term and for any reexamination thereafter, paragraph C above does not apply.
- E. If there is a change in family unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination.

### ***11.4.3 Area Exception Rents***

In order to help families find housing outside areas of high poverty or when housing choice voucher holders are having trouble finding housing for lease under the program, the Housing Authority may request that HUD approve an exception payment standard rent for certain areas within its jurisdiction. The areas may be of any size, though generally not smaller than a census tract. The Housing Authority may request one such exception payment standard area or many. Exception payment standard rent authority may be requested for all or some unit sizes, or for all or some unit types. The exception payment standard area(s) may not contain more than 50% of the population of the FMR area.

When an exception payment standard rent has been approved and the FMR increases, the exception rent remains unchanged until such time as the Housing Authority requests and

## **Municipality of COAMO Administrative Plan**

HUD approves a higher exception payment standard rent. If the FMR decreases, the exception payment standard rent authority automatically expires.

### ***11.5 ASSISTANCE AND RENT FORMULAS***

#### **A. Total Tenant Payment**

The total tenant payment is equal to the highest of:

1. 10% of the family's monthly income
2. 30% of the family's adjusted monthly income
3. The Minimum rent
4. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments that is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage.

In addition, any rent above the payment standard.

#### **B. Minimum Rent.**

The Coamo Housing Authority has set the minimum rent as \$50.00.

1. A hardship exists in the following circumstances:
  - a. When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
  - b. When the family would be evicted because it is unable to pay the minimum rent;
  - c. When the income of the family has decreased because of changed circumstances, including loss of employment; and
  - d. When a death has occurred in the family.
2. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back

## **Municipality of COAMO Administrative Plan**

payment of minimum rent to the Housing Authority for the time of suspension.

3. Temporary hardship. If the Housing Authority determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 calendar days from the month following the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a reasonable repayment agreement for any minimum rent back payment paid by the Housing Authority on the family's behalf during the period of suspension.
4. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
5. Appeals. The family may use the informal hearing procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the informal hearing procedures.

### **C. Rent for Families under the Noncitizen Rule**

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

1. The family was receiving assistance on June 19, 1995;
2. The family was granted continuation of assistance before November 29, 1996;
3. The family's head or spouse has eligible immigration status; and
4. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

The family's assistance is pro-rated in the following manner:

1. Find the prorated housing assistance payment (HAP) by dividing the HAP by the total number of family members, and then multiplying the result by the number of eligible family members.
2. Obtain the prorated family share by subtracting the prorated HAP from the gross rent (contract rent plus utility allowance).

## **Municipality of COAMO Administrative Plan**

3. The prorated resident rent equals the prorated family share minus the full utility allowance.

### ***11.6 UTILITY ALLOWANCE***

The utility allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from TTP to establish the family's rent to owner.

The Housing Authority maintains a utility allowance schedule for all tenant-paid utilities (except telephone, refrigerators, ranges, other housing services, and cable television), and is based on the family's average consumption rate.

The Housing Authority reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The Housing Authority maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule. Participants may review this information at any time by making an appointment with the Coamo Housing Authority.

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

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

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

### ***11.7 DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT***

The Housing Authority pays the owner the lesser of the housing assistance payment or the rent to owner, by the fifth day of each month.

A housing assistance payment is considered made upon being bank deposited by the Coamo Housing Authority.

Unless otherwise terminated, the housing assistance payment contract shall end 180 calendar days after the last housing assistance payment is made.

## **Municipality of COAMO Administrative Plan**

### ***11.8 CHANGE OF OWNERSHIP***

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

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

- A. Deed of Trust showing the transfer of title; and
- B. Tax Identification Number or Social Security Number.

The Coamo Housing Authority may withhold the rent payment until the taxpayer identification number or Social Security number is received.

### **12.0 INSPECTION POLICIES, HOUSING QUALITY STANDARDS, AND DAMAGE CLAIMS**

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

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

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

## **Municipality of COAMO Administrative Plan**

### **12.1 TYPES OF INSPECTIONS**

There are five types of inspections the Coamo Housing Authority will perform:

- A. **New Contracts Inspections** – A unit must pass this HQS inspection before the Housing Authority enters into a HAP Contract with the owner.
- B. **Annual Inspection** - An inspection to determine that the unit continues to meet HQS.
- C. **Inspection at Other Times as Needed:**
  - **Interim Inspections** - HQS inspection conducted upon request of the owner, family or agency.
  - **Emergency inspections or Special** – HQS inspection conducted for life-threatening violations.
- D. **Quality Control Inspection** - Supervisory inspections based on at least the minimum number required by the Section 8 Management Assessment Program (SEMAP).
- E.

### **12.2 OWNER AND FAMILY RESPONSIBILITY**

- A. Owner Responsibility for HQS
  1. The owner must maintain the unit in accordance with HQS.
  2. If the owner fails to maintain the dwelling unit in accordance with HQS, the Coamo Housing Authority will take prompt and vigorous action to enforce the owner obligations. The Coamo Housing Authority's remedies for such breach of the HQS include termination, suspension, or reduction of housing assistance payments and termination of the HAP contract.
  3. The Coamo Housing Authority will not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the Coamo Housing Authority and the Coamo Housing Authority verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any Coamo Housing Authority approved extension). If the required repair is not made in a timely manner, the rent shall be abated beginning with the next rent check. If two (2) consecutive checks are abated, the assistance shall be cancelled.

## **Municipality of COAMO Administrative Plan**

4. 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. Furthermore, the Coamo Housing Authority may terminate assistance to a family because of the HQS breach caused by the family.

### **B. Family Responsibility for HQS**

1. The family is responsible for a breach of the HQS that is caused by any of the following:
  - a. 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 resident;
  - b. 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 participant; or
  - c. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).
2. 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 Coamo Housing Authority approved extension).
3. If the family has caused a breach of the HQS, the Coamo Housing Authority will take prompt and vigorous action to enforce the family obligations. The Coamo Housing Authority may terminate assistance for the family in accordance with 24 CFR 982.552.

### **12.3 HOUSING QUALITY STANDARDS (HQS) [24 CFR 982.401]**

This Section states performance and acceptability criteria for these key aspects of the following housing quality standards:

#### **A. Sanitary Facilities**

1. Performance Requirement

The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

## **Municipality of COAMO Administrative Plan**

2. Acceptability Criteria
  - a. The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
  - b. The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
  - c. The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
  - d. The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

### **B. Food Preparation and Refuse Disposal**

1. Performance Requirements
  - a. The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
  - b. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).
2. Acceptability Criteria
  - a. The dwelling unit must have an oven, a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. Either the owner or the family may supply the equipment. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the resident agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
  - b. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
  - c. The dwelling unit must have space for the storage, preparation, and serving of food.

## **Municipality of COAMO**

### **Administrative Plan**

- d. There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

#### **C. Space and Security**

1. Performance Requirement

The dwelling unit must provide adequate space and security for the family.

2. Acceptability Criteria

- a. At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- b. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- c. Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- d. The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

#### **D. Illumination and Electricity**

1. Performance Requirement

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

2. Acceptability Criteria

- a. There must be at least one window in the living room and in each sleeping room.

## **Municipality of COAMO Administrative Plan**

- b. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- c. The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

### **E. Structure and Materials**

#### 1. Performance Requirement

The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

#### 2. Acceptability Criteria

- a. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- b. The roof must be structurally sound and weather tight.
- c. The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- d. The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
- e. Elevators must be working and safe.

### **F. Interior Air Quality**

#### 1. Performance Requirement

The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

## **Municipality of COAMO Administrative Plan**

2. Acceptability Criteria
  - a. The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
  - b. There must be adequate air circulation in the dwelling unit.
  - c. Bathroom areas must have one window that can be opened or other adequate exhaust ventilation.
  - d. Any room used for sleeping must have at least one window. If the window is designed to be opened, the window must work.

### **G. Water Supply**

1. Performance Requirement

The water supply must be free from contamination.
2. Acceptability Criteria

The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

### **H. Lead-based Paint**

1. Performance Requirement

The Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and implementing regulations at part 35, subparts A, B, M, and R of this title apply to units assisted under this part.
2. Acceptability Criteria

The requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children less than six years of age, excluding zero bedroom dwellings.

During initial and annual inspections of pre-1978 units that are occupied or will be occupied by families with children less than 6 years of age, the inspector must conduct a visual assessment for deteriorated paint surfaces and the owner must stabilize deteriorated surfaces. Applicable areas include painted surfaces within the dwelling unit, exterior painted surfaces associated with the dwelling unit and common areas of the building through which residents must pass to gain access to the unit, and areas frequented by resident children less than six years of age, including play areas and childcare facilities.

## **Municipality of COAMO Administrative Plan**

For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by the PHA), and the owner must complete hazard reduction activities if lead hazards are identified during the risk assessment.

### **I. Access**

#### 1. Performance Requirement

The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

### **J. Site and Neighborhood**

#### 1. Performance Requirement

The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

#### 2. Acceptability Criteria

The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

### **K. Sanitary Condition**

#### 1. Performance Requirement

The dwelling unit and its equipment must be in sanitary condition.

#### 2. Acceptability Criteria

The dwelling unit and its equipment must be free of vermin and rodent infestation.

## **Municipality of COAMO Administrative Plan**

### **L. Smoke Detectors**

#### 1. Performance Requirements

- a. Except as provided in paragraph b below of this Section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).
- b. For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993, in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992 (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

### **M. Water Heaters**

#### 1. Performance Requirements

- a. The dwelling unit must have hot and cold running water.

#### 2. Acceptability Criteria

- a. There must be hot and cold running water in each bathroom and in the kitchen.
- b. The dwelling unit must not contain showerhead or gas heaters.

## **Municipality of COAMO Administrative Plan**

### ***12.4 LEAD-BASED PAINT REQUIREMENTS AND RESPONSIBILITIES***

#### **A. Exempt Units**

The following units are exempt from this policy as it relates to lead-based paint requirements:

1. Units built after December 31, 1977;
2. Zero (0) bedroom and Single Room Occupancy (SRO) units;
3. Housing built for the elderly or persons with disabilities, unless a child of under age six (6) resides or is expected to reside in such housing;
4. Properties for which a paint inspection was completed in accordance with the new regulations that became effective on September 15, 2000, and is certified to have no lead-based paint;
5. Properties in which all lead-based paint was identified, was removed, and that received clearance in accordance with the new regulations, which became effective on September 15, 2000.

#### **B. Non-Exempt or Covered Units**

For dwellings built before January 1, 1978, and occupied or to be occupied by assisted families with one or more children under age six (6), lead-based paint requirements apply to:

1. The unit interior and exterior paint surfaces associated with the assisted unit: and
2. The common areas servicing the unit, including those areas through which residents must pass to gain access to the unit, and other areas frequented by resident children less than six (6) such as play areas, and child care facilities. Common areas also include garages and fences on the assisted property.

#### **C. Responsibilities of the Coamo Housing Authority and the Owner**

**The Coamo Housing Authority is responsible for the following activities:**

1. The visual assessment for deteriorated paint (i.e., peeling, chipping, and flaking) surfaces at initial and annual inspections;
2. Assuring that clearance examinations are conducted when required;

## **Municipality of COAMO Administrative Plan**

3. Carrying out special requirements for children under age six who have environmental intervention blood lead levels as verified by a medical health care provider;
4. Collecting data from the local health department on program participants under age six who have identified environmental intervention blood lead levels; and
5. Record keeping.

### **Owners of units to be or that are assisted have the responsibility to:**

1. Disclose known lead-based paint hazards to all potential residents prior to execution of a lease;
2. When necessary, perform paint stabilization to correct deteriorated paint;
3. Each time paint stabilization is performed, notify the resident about the conduct of lead hazard reduction activities and clearance (if required);
4. Perform all work in accordance with HUD prescribed safe work practices and conduct clearance activities when required; and
5. Perform ongoing maintenance. As part of ongoing maintenance, the owner must provide written notice to each assisted family asking the occupants to report deteriorated paint. The notice must include the name, address, and phone number of the person responsible for accepting the occupant's complaint.

Before the execution of the lease, the owner is required to disclose any knowledge of lead-based paint or lead-based paint hazards in housing built prior to 1978 to all prospective residents. The Coamo Housing Authority will keep a copy of the disclosure notice executed by the owner and resident in the participant's file. The owner will keep the original disclosure notice and forward a copy of the notice to the Coamo Housing Authority.

### **D. Qualified Inspector**

An HQS inspector may conduct the inspection or other party designated by the Coamo Housing Authority. All inspectors must have been trained in visual assessment in accordance with procedures established by HUD.

## **Municipality of COAMO Administrative Plan**

### **E. Visual Assessment for Deteriorated Paint**

The Coamo Housing Authority during the conduct of initial, annual and any special inspections of pre-1978 units that are occupied or will be occupied by families with children under 6 years of age. The Coamo Housing Authority will conduct a visual inspection for deteriorated paint surfaces at these locations:

1. All unit interior and exterior painted surfaces associated with the assisted unit; and
2. Common areas such as common hallways, access and egress areas, playgrounds, child-care facilities, or other areas including fences and garages frequented by children under age six.

### **F. Stabilization of Deteriorated Paint Surfaces**

When the HQS Inspector or other designated party identifies deteriorated paint surfaces (defined as interior or exterior paint or other coating that is peeling, chipping, flaking, cracking, is otherwise damaged or has separated from the substrate of the surface or fixture), the Coamo Housing Authority will notify and require the owner to perform stabilization of the surfaces within thirty (30) calendar days of the notification by the Coamo Housing Authority's inspection for occupied units and before commencement of any assisted tenancy.

Owner requirements for compliance with the Coamo Housing Authority's paint stabilization differ, depending upon the amount of deteriorated paint surface to be corrected. The use of lead-safe work practices during paint stabilization activities are differentiated characterized as above or below de minimum levels.

Deteriorated paint surfaces are exceeded when one of the following occurs:

1. 20 square feet on exterior surfaces;
2. 2 square feet on an interior surface in a single room or interior space; or
3. 10 percent of individual small components (e.g., windowsills) on the interior or exterior.

Owners must perform paint stabilization on all deteriorated paint surfaces. Paint stabilization is defined as:

1. Repair of any physical defect in the substrate of the painted surface or building component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, missing siding, or other components not securely fastened;

## **Municipality of COAMO Administrative Plan**

2. Removal of all loose paint and other loose material from the surface being treated; and
3. Application of a new protective coat of paint to the stabilized surface.

In no instance may an owner employ any paint stabilization methods that are strictly prohibited by federal, state, or local law such as:

1. Open flame burning and torching;
2. Machine-sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
3. Heat guns operating above 1,100 degrees Fahrenheit;
4. Abrasive blasting or sandblasting with HEPA exhaust control;
5. Dry sanding and scraping except limited conditions stated above for limited areas; and
6. Paint stripping in poorly ventilated space using a volatile stripper or a hazardous chemical as defined by Occupational Safety and Health Administration (OSHA).

Failure to comply with paint stabilization requirements, regardless of the amount of deteriorated surface, will result in the disapproval of the tenancy, abatement of payment to the owner, and/or termination of the HAP contract.

In addition, in order to be in compliance with HUD lead-based paint requirements if the deteriorated paint surface exceeds the de minimum level, the owner must:

1. Conduct all stabilization activities with trained staff;
2. Employ acceptable methods for preparing the surface to be treated, including wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to manufacturer's instruction;
3. No dry sand or dry scrape within one (1) square foot of electrical outlets;
4. Protect the occupants and their belongings from contamination;

## **Municipality of COAMO Administrative Plan**

5. Notify the occupants within fifteen (15) calendar days of stabilization activity and provide the results of the clearance examination.

The owner must provide the Coamo Housing Authority with an executed copy of the Lead-Based Paint Owner's Certification for the HQS violation for paint stabilization to be considered closed.

Below de minimum deteriorated paint surfaces:

If the amount of deteriorated paint is below the minimum level, owners will not be required to perform lead-safe work practices and clearance, but owners must perform paint stabilization as follows:

1. Repair of any physical defect in the substrate of the painted surface or building component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, missing siding, or other components not securely fastened;
2. Removal of all loose paint and other loose material from the surface being treated; and
3. Application of a new protective coat of paint to the stabilized surface.

In no instance may an owner employ any paint stabilization methods that are strictly prohibited by federal, state, or local law such as:

1. Open flame burning and torching;
2. Machine-sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
3. Heat guns operating above 1,100 degrees Fahrenheit;
4. Abrasive blasting or sandblasting with HEPA exhaust control;
5. Dry sanding and scraping except limited conditions stated above for limited areas; and
6. Paint stripping in poorly ventilated space using a volatile stripper or a hazardous chemical as defined by Occupational Safety and Health Administration (OSHA).

## **Municipality of COAMO Administrative Plan**

Failure to comply with paint stabilization requirements, regardless of the amount of deteriorated surface, results in disapproval of the tenancy, abatement of payment to the owner, and/or termination of the HAP contract.

Clearance Activities:

The owner must provide the Coamo Housing Authority with an executed copy of the Lead-Based Paint Owner's Certification for the HQS violation for paint stabilization to be considered closed.

### **G. Requirements for Children with Environmental Intervention Blood Lead Level**

Should the Coamo Housing Authority receive information regarding an environmental intervention blood lead level child under age six from the family, owner, or other sources not associated with the medical health community, the Coamo Housing Authority will immediately verify the information with a public health department or other medical health care provider.

If either the public health department or private medical health agency provides verification that the child has an environmental intervention blood lead level, the Coamo Housing Authority will proceed to complete a risk assessment of the unit, common areas and exterior surfaces as outlined in Subsection H below. This requirement does not apply if the public health department has already conducted an evaluation between the date the child's blood was last sampled and the receipt of notification of the child's condition.

If the Coamo Housing Authority receives a report of an environmental intervention blood lead level child from any source other than the public health department, the Coamo Housing Authority will notify the public health department with five (5) working days.

HUD has defined environmental intervention blood lead level as a confirmed concentration of lead in whole blood equal or greater than 20 ug/dL (micrograms of lead per deciliter) for a single test or 15-19 ug/dL in two tests taken at least three (3) months apart in children under age six.

### **H. Risk Assessment**

Within fifteen (15) calendar days of the notification to the Coamo Housing Authority by a public health department or medical health care provider, the Coamo Housing Authority will complete a risk assessment of the dwelling unit, including common areas servicing the dwelling unit, if the child lived in the unit at the time the child's blood was tested. If the public health department has already conducted an evaluation between the date the child's blood was last and the

## **Municipality of COAMO Administrative Plan**

receipt of notification of the child's condition, the risk assessment by the Coamo Housing Authority is not required.

The Coamo Housing Authority will only utilize persons trained and certified by an EPA or state-approved agency to perform risk assessments. The risk assessment will identify the appropriate method of correction if correction is required.

The risk assessment will involve an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards. The investigation will include dust and soil sling, visual evaluation, and may include paint inspections (tests for lead in paint). The assessor will issue a report to the housing authority explaining the results of the investigation, as well as option and requirements for reducing lead-based paint hazards. Upon receipt of the risk assessment, the Coamo Housing Authority shall immediately notify the owner of its results.

The owner must notify the building residents of the results of the risk assessment within fifteen (15) calendar days of receipt of the risk assessment results from the Coamo Housing Authority.

### **I. Hazard Reduction**

The owner must complete reduction of identified lead-based paint hazards as identified in the risk assessment as outlined in Subsection H of this Section within thirty (30) calendar days (or date specified by the Coamo Housing Authority if an extension is granted for exterior surfaces).

Hazard reduction activities may include paint stabilization, abatement, interim controls, or dust and soil contamination control. The appropriate method of correction will be identified in the risk assessment.

Hazard reduction will be considered complete by the Coamo Housing Authority when a clearance examination has been completed and the report indicates that all identified hazards have been treated, and clearance has been achieved, or when the public health department certifies that the hazard reduction is complete.

The owner must notify all building residents of any hazard reduction activities within fifteen (15) calendar days of completion of activities.

## **Municipality of COAMO Administrative Plan**

Like paint stabilization compliance, when the Coamo Housing Authority receives the owner's certification, this will signal compliance with lead hazard reduction activities.

Failure by the owner to complete hazard reduction activities (including clearance) within thirty (30) calendar days (or later if the Coamo Housing Authority grants an extension for exterior surfaces) of notification constitutes a violation of HQS, and appropriate action against the owner will be taken if a program family occupies the unit. If the unit is vacant when the Coamo Housing Authority notifies the owner, the unit may not be reoccupied by another assisted family, regardless of the ages of children in the family, until compliance with the lead-based paint requirement is completed.

### **J. Coamo Housing Authority Data Collection and Record Keeping**

Quarterly, the Coamo Housing Authority will attempt to obtain from the public health department having jurisdiction in the same area as the Coamo Housing Authority, the names and addresses of children under age six with an identified environmental intervention blood lead level.

The Coamo Housing Authority will match information received from the health department with information about program families. If a match occurs, the Coamo Housing Authority will follow all procedures for notifying owners and conducting risk assessments as stated above.

Quarterly, the Coamo Housing Authority will report a list of addresses of units occupied by children under age six, receiving assistance to the public health department, unless the health department indicates in writing that such a report is not necessary.

The Coamo Housing Authority will inform owners of lead-based paint regulations especially those related to prohibited and safe work practices, resident protection during lead-based paint activities, and notification requirements. This will be accomplished through written material provided by the Coamo Housing Authority.

The Coamo Housing Authority is responsible for issuing and maintaining in the file the notification to the owner of any needed corrections and appropriate methods to correct lead hazards, and of the deadline for completing the corrections.

## **Municipality of COAMO Administrative Plan**

### ***12.5 TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS***

#### **A. Correcting Initial HQS Fail Items**

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

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

#### **B. HQS Fail Items for Units under Contract**

The owner or participant will be given time to correct the failed items cited on the inspection report for a unit already under contract. If the failed items endanger the family's health or safety (using the emergency item in Section 12.7), the owner or participant will be given 24 hours to correct the violations. For less serious failures, the owner or participant will be given up to 30 calendar days to correct the failed item(s).

If the owner fails to correct the HQS failed items after proper notification has been given, the Coamo Housing Authority will abate payment and terminate the contract in accordance with Sections 12.8 and 17.0.

If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, the Coamo Housing Authority will terminate assistance for the family in accordance with Sections 12.2(B) and 17.0.

#### **C. Time Frames for Corrections**

1. Emergency repair items must be abated within 24 hours.
2. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner must be abated within 72 hours.
3. Non-emergency items must be completed within 15 calendar days of the initial inspection. If not completed in 15 calendar days, the HA must abate the payment to owner.
4. For major repairs, the owner will have up to 30 calendar days to complete.

## **Municipality of COAMO Administrative Plan**

### **D. Extensions**

At the sole discretion of the Coamo Housing Authority, extensions of up to 30 calendar days may be granted to permit an owner to complete major repairs, only if the owner has made a good faith effort to initiate those repairs. If major repairs are not completed within 45 calendar days after the initial inspection date, the Coamo Housing Authority will abate the rent and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, and sidewalks.

### **12.6 EMERGENCY FAIL ITEMS**

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

1. No hot or cold water
2. No electricity
3. Major plumbing leak
4. Natural gas, propane, or LP gas leak
5. Broken lock(s) on first floor doors or windows
6. Broken windows that unduly allow weather elements into the unit
7. Electrical outlet smoking or sparking
8. Exposed electrical wires which could result in shock or fire
9. Unusable toilet when only one toilet is present in the unit
10. Security risks such as broken doors or windows that would allow intrusion
11. Other conditions which pose an immediate threat to health or safety

### **12.7 ABATEMENT**

When a unit fails to meet HQS and the owner has been given an opportunity to correct the deficiencies, but has failed to do so within the required timeframe, the rent for the dwelling unit will be abated as of the first day of the next month.

If the corrections of deficiencies are not made the abatement will continue until the HAP contract is terminated. When the deficiencies are corrected, the Coamo Housing Authority will end the abatement the day the unit passes inspection. Rent will resume the day the unit passes inspection and be paid the first day of the next month.

For participant caused HQS deficiencies, the owner will not be held accountable and the rent will not be abated. The participant is held to the same standard and timeframes for

## **Municipality of COAMO Administrative Plan**

correction of deficiencies as owners. If repairs are not completed by the deadline, the Coamo Housing Authority will send a notice of termination to both the participant and the owner. The participant will be given the opportunity to request an informal hearing.

HAP contracts will be terminated after giving the owner thirty (30) calendar days notice from the first day of a month. It will be sent with the Notice of Abatement. Termination will end any abatement action.

13.0 [reserved]

### **14.0 RECERTIFICATION**

#### ***14.0.1 CHANGES IN LEASE OR RENT [24 CFR 982.519]***

As stated in the HUD Tenancy Addendum, owners must notify the Coamo Housing Authority of any changes in rent at least thirty (30) calendar days before the changes go into effect. Any such changes are subject to the Coamo Housing Authority determining them to be reasonable. The tenant must be notified by the Housing Authority personnel of any rent increase to the owner.

As authorized by the HAP contract, the Coamo Housing Authority will not approve a rent increase if the HAP contract is in abatement for owner-related HQS deficiencies. In accordance with the HUD Tenancy Addendum, the Coamo Housing Authority will disapprove requests made during the initial term first twelve (12) months of the lease.

The Housing Authority will use the same criteria defined above to determine if a request for a rent increase meets the rent comparability requirement. If the new rent is not comparable, the Housing Authority will advise the owner that the increase cannot be approved.

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

1. Requirements governing participant or owner responsibilities for utilities or appliances;
2. In the lease terms reducing the length of the lease;
3. If the participant moves to a new unit, even if the unit is in the same building or complex.

The approval of the Coamo Housing Authority is not required for changes other than those specified in A, B, or C above.

## **Municipality of COAMO Administrative Plan**

However, owners wishing to change ownership must receive the written permission of the Housing Authority prior to assigning a HAP contract. The owner shall inform the Coamo Housing Authority of the impending change and give the Authority 20 calendar days to review the prospective owner to make sure they are appropriate. The new owner shall meet the same criteria as the existing owner. Approval shall not be unreasonably withheld.

### ***14.1 ANNUAL REEXAMINATION***

At least annually (within 365 calendar days of the anniversary date of the HAP contract) the Coamo Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size.

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

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

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

#### **14.1.1 Effective Date of Rent Changes for Annual Reexaminations**

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

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

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

## **Municipality of COAMO Administrative Plan**

### **14.1.2 Missed Appointments**

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Coamo Housing Authority taking action to terminate the family's assistance. If there is no response to the second letter, a termination notice will be issued to both the family and the owner. The termination notice will inform the family of its right to request an informal hearing.

### **14.2 INTERIM REEXAMINATIONS**

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

Families are required to report the following changes to the Coamo Housing Authority within 10 business days between regular reexaminations. These changes will trigger an interim reexamination.

1. A member has been added to the family through birth or adoption or court-awarded custody.
2. A household member is leaving or has left the family unit.
3. Employment, unemployment or changes in income of any family member.
4. Any increase or decrease of any benefits or payments received by any member of the family or household from, aid for dependent children, private pension fund, disability compensation, veterans administration, child support, alimony, regular contributions, gifts or lump-sums.
5. Family break-up

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

- a. To whom the housing choice voucher was issued.
- b. The interest of minor children or of ill, elderly, or disabled family members.
- c. Whether the assistance should remain with the family members remaining in the unit.

## **Municipality of COAMO Administrative Plan**

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

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the Coamo Housing Authority will be bound by the court's determination of which family members continue to receive assistance in the program.

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

The Coamo Housing Authority will issue a determination within 10 business days of the request for a determination. The family member requesting the determination may request an informal hearing in compliance with the informal hearings in Section 16.2.

In order to add a household member other than through birth, adoption, or court-awarded custody (including a live-in aide) the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number if they have one, and must verify their citizenship/eligible immigrant status (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family). The new family member will go through the screening process similar to the process for applicants. The Coamo Housing Authority will determine the eligibility of the individual before allowing them to be added to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, the Coamo Housing Authority will grant approval to add their name to the lease. At the same time, the family's annual income will be recalculated taking into account the income and circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 14.2.2.

6. Any increase or decrease in allowable expenses or other changes in family circumstances

## **Municipality of COAMO Administrative Plan**

### **NOTE:**

**If an error results in a retroactive rent payment due to the participant not providing correct information concerning annual income, the Section 8 participant may request the Coamo Housing Authority's representative to approve a repayment schedule. The Section 8 participant must make the request in writing and the Housing Authority representative will provide the participant with a written response to their request and if approved, the written notification will include the amount of the down payment and the monthly repayment plus the due date of the first payment. The amount owed will be prorated for up to 12 months. If the family fails to repay the amount owed, the section 15.0 and 16.0 applies.**

#### **14.2.1 Special Reexaminations**

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

#### **14.2.2 Effective Date of Rent Changes Due to Interim or Special Reexaminations**

Any rent increase will be effective the first of the second month following the date in which such increase in family income occurred. If the family causes a delay, then the rent increase will be effective on the first day of the month when the change occurred (even if this means a retroactive increase).

Any decrease in rent will be made effective the first month following the date the decrease in family income was reported and verified in writing.

#### **14.3 HOUSING AUTHORITY MISTAKES IN CALCULATING RENT**

If the Coamo Housing Authority makes a mistake in calculating a resident rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of 24 months. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires, unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

**Municipality of COAMO**  
**Administrative Plan**

**15.0 TERMINATION OF ASSISTANCE TO THE FAMILY BY THE COAMO HOUSING AUTHORITY**

The Coamo Housing Authority at any time **will** terminate program assistance for a participant because of any of the following actions or inactions by the household:

1. If the family violates any family obligations under the program;
2. If the family was evicted from housing assisted under the Section 8 program for serious violations of the lease;
3. If a family member fails to sign and submit consent forms;
4. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the Coamo Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination;
5. Have a household member who is currently engaging in illegal use of a drug;
6. Have a household member whose pattern of illegal drug use interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
7. Have a household member who has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing;
8. Have a household member who is subject to a lifetime registration requirement under a State sex offender registration program;
9. If any member of the family commits drug-related or violent criminal activity in violation of Section 2.3 of this Administrative Plan and 24 CFR 982.551;
10. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

## **Municipality of COAMO Administrative Plan**

11. Have a household member who is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

The Coamo Housing Authority at any time **may** terminate program assistance for a participant because of any of the following actions or inactions by the household.

1. Have a family member who violates any family obligations under the program;
2. Have a family member who has been evicted from federally assisted housing in the last five years;
3. Have a family member that Coamo Housing Authority has ever terminated assistance for under the program;
4. Have a family member that has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
5. Currently owes rent or other amounts to the Coamo Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act;
6. Have not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
7. Have breached an agreement with Coamo Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority;
8. Have engaged in or threatened abusive or violent behavior towards any Coamo Housing Authority staff member or resident;

For purposes of this section, the Coamo Housing Authority may terminate assistance for criminal activity by a household member as authorized in this section if the Coamo Housing Authority determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted of such activity.

If the Coamo Housing Authority proposes to terminate assistance for criminal activity as shown by a criminal record, the Coamo Housing Authority will notify the household of

## **Municipality of COAMO Administrative Plan**

the proposed action to be based on the information and must provide the person with the criminal record (i.e., the family member) and the head of household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record, in accordance with the procedures established for the Informal Hearing for Participants. The household will have ten (10) calendar days to dispute the accuracy and relevance of the record in writing.

Any family absent from the assisted unit for more than 180 consecutive calendar days (180 is the maximum) must be terminated from the program.

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

1. To whom the housing choice voucher was issued.
2. The interest of minor children or of ill, elderly, or disabled family members.
3. Whether the assistance should remain with the family members remaining in the unit.
4. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the Coamo Housing Authority will be bound by the court's determination of which family members continue to receive assistance in the program.

### **16.0 COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, INFORMAL HEARINGS FOR PARTICIPANTS**

#### **16.1 COMPLAINTS**

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

## **Municipality of COAMO Administrative Plan**

### **16.2 INFORMAL REVIEW FOR THE APPLICANT**

#### **A. Informal Review for the Applicant**

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

#### **B. When an Informal Review is not Required**

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

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

#### **C. Informal Review Process**

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

1. The review will be conducted by any person or persons designated by the Coamo Housing Authority other than the person who made or approved the decision under review.

## **Municipality of COAMO Administrative Plan**

2. The applicant will be given an opportunity to present written or oral objections to the Coamo Housing Authority decision.
3. The Coamo Housing Authority will notify the applicant of the Coamo Housing Authority decision after the informal review within 14 calendar days. The notification will include a brief statement of the reasons for the final decision.

### **D. Considering Circumstances**

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

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

If the Housing Authority seeks to deny assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny assistance. In determining whether to deny assistance for these reasons the Coamo Housing Authority will consider evidence of whether the household member:

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

## **Municipality of COAMO Administrative Plan**

### **E. Informal Review Procedures for Denial of Assistance based on Ineligible Immigration Status**

The applicant family may request that the Coamo Housing Authority provide for an informal review after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The applicant family must make this request within 30 calendar days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 calendar days of receipt of the INS appeal decision.

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

### **16.3 INFORMAL HEARINGS FOR PARTICIPANTS**

#### **A. When a Hearing is required**

1. The Coamo Housing Authority will give a participant family an opportunity for an informal hearing to consider whether the following Coamo Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Coamo Housing Authority policies:
  - a. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
  - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Coamo Housing Authority utility allowance schedule.
  - c. A determination of the family unit size under the Coamo Housing Authority subsidy standards.
  - d. A determination to terminate assistance for a participant family because of the family's action or failure to act.
  - e. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Coamo Housing Authority policy and HUD rules.
  - f. Denial of a hardship exemption to the minimum rent requirement.

## **Municipality of COAMO Administrative Plan**

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

### **B. When a Hearing is not required**

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

1. Discretionary administrative determinations by the Coamo Housing Authority.
2. General policy issues or class grievances.
3. Establishment of the Coamo Housing Authority schedule of utility allowances for families in the program.
4. An Coamo Housing Authority determination not to approve an extension or suspension of a housing choice voucher term.
5. An Coamo Housing Authority determination not to approve a unit or lease.
6. An Coamo Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Coamo Housing Authority will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
7. An Coamo Housing Authority determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the Coamo Housing Authority to exercise or not exercise any right or remedy against the owner under a HAP contract.

### **C. Notice to the Family**

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

## **Municipality of COAMO Administrative Plan**

2. In the cases described in paragraphs 16.3(A)(1)(d), (e), and (f) of this Section, the Coamo Housing Authority will give the family prompt written notice that the family may request a hearing within 15 calendar days upon receipt of the notification. The notice will:
  - a. Contain a brief statement of the reasons for the decision; and
  - b. State if the family does not agree with the decision, the family may request an informal hearing on the decision within 10 calendar days upon receipt of the notification.

### **D. Hearing Procedures**

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

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

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

2. Representation of the Family  
At its own expense, a lawyer or other representative may represent the family.
3. Hearing Officer

## **Municipality of COAMO Administrative Plan**

- a. The hearing will be conducted by any person or persons designated by the Coamo Housing Authority, other than a person who made or approved the decision under review or a subordinate of this person.
- b. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the Coamo Housing Authority hearing procedures.

### 4. Evidence

The Coamo Housing Authority and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

### 5. Issuance of Decision

The person who conducts the hearing must issue a written decision within 30 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

### 6. Effect of the Decision

The Coamo Housing Authority is not bound by a hearing decision:

- a. Concerning a matter for which the Coamo Housing Authority is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under the Coamo Housing Authority hearing procedures.
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- c. If the Coamo Housing Authority determines that it is not bound by a hearing decision, the Coamo Housing Authority will notify the family within 15 calendar days of the determination, and of the reasons for the determination.

### E. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the Housing Authority may consider all of the circumstances in each case, including the seriousness of the case, the extent of

## **Municipality of COAMO Administrative Plan**

participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

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

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the \_\_\_\_\_ Housing Authority will consider evidence of whether the household member:

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

### F. Informal Hearing Procedures for Denial of Assistance based on Ineligible Immigration Status

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

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

**Municipality of COAMO**  
**Administrative Plan**

**17.0 TERMINATION OF THE LEASE AND CONTRACT**

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

A. Termination of the Lease

1. By the family

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

2. By the owner

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person in accordance with this section if the owner determines that the covered person has engaged in a criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

If the law and regulation permit the owner to take an action but do not require action to be taken, the owner may take or not take the action in accordance with the owner's standards for eviction. The owner may consider all of the circumstances relevant to a particular eviction case, such as:

- a. The seriousness of the offending action;
- b. The effect on the community of denial or termination or the failure of the owner to take such action;
- c. The extent of participation by the leaseholder in the offending action;
- d. The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;
- e. The demand for assisted housing by families who will adhere to lease responsibilities;

## **Municipality of COAMO Administrative Plan**

- f. The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- g. The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the owner may require the participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of assistance actions must be consistent with the fair housing and equal opportunity provision of 24 CFR 5.105.

- a. The owner may terminate the lease during its term on the following grounds:
  - i. Serious or repeated violations of the terms or conditions of the lease;
  - ii. Violation of Federal, State, or local law that imposes obligations on the participant in connection with the occupancy or use of the unit and its premises;
  - iii. Criminal activity by the household, a guest, or another person under the control of the household that threatens the health, safety, or right to peaceful enjoyment of the premises by other persons (including property management staff) residing on the premises or in the immediate vicinity of the premises;
  - iv. Any drug-related or violent criminal activity engaged in on or near the premises by any resident, household member, or

## **Municipality of COAMO Administrative Plan**

guest, or such activity engaged in on the premises by any other person under the tenant's control, is grounds for the owner to terminate tenancy;

- v. When the owner determines that a household member is illegally using a drug or when the owner determines 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.
- vi. If a participant 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.
- vii. If the tenant is violating a condition of probation or parole imposed under Federal or State law.
- viii. Other good cause. Other good cause may include, but is not limited to:
  - (1) Failure by the family to accept the offer of a new lease;
  - (2) Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;
  - (3) The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;
  - (4) A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person in accordance with this section if the owner 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 the standard of proof used for a criminal conviction.

## **Municipality of COAMO Administrative Plan**

- b. During the first year, the owner may not terminate tenancy for other good cause unless the reason is something the household did or failed to do.
- c. The owner may only evict the participant by instituting court action after or simultaneously providing written notice to the participant specifying the grounds for termination. The owner must give the Coamo Housing Authority a copy of any owner eviction notice to the participant at the same time that the owner gives the notice to the participant.
- d. The owner may terminate the contract at the end of the initial lease term or any extension of the lease term without cause by providing notice to the family that the lease term will not be renewed.

### 3. By mutual agreement

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

## B. Termination of the Contract

### 1. Automatic termination of the contract

- a. If the Coamo Housing Authority terminates assistance to the family, the contract terminates automatically.
- b. If the family moves out of the unit, the contract terminates automatically.
- c. 180 calendar days after the last housing assistance payment to the owner.

### 2. Termination of the contract by the owner

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

### 3. Termination of the HAP contract by the Coamo Housing Authority

The Housing Authority may terminate the HAP contract because:

- a. The Housing Authority has terminated assistance to the family.
- b. The unit does not meet HQS space standards because of an increase in family size or change in family composition.

## **Municipality of COAMO Administrative Plan**

- c. When the family breaks up and the Coamo Housing Authority determines that, the family members who move from the unit will continue to receive the assistance.
- d. The Coamo Housing Authority determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.
- e. The owner has breached the contract in any of the following ways:
  - i. If the owner, has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.
  - ii. If the owner, has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act.
  - iii. If the owner has committed, fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
  - iv. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement.
  - v. If the owner, has engaged in drug-related criminal activity or any violent criminal activity.
- f. If a welfare-to-work family, fails to fulfill its obligations under the welfare-to-work voucher program.

#### 4. Final HAP payment to owner

The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the Housing Authority will continue to make payments until the owner obtains a judgment or the family moves out.

**Municipality of COAMO**  
**Administrative Plan**

**18.0 INTELLECTUAL PROPERTY RIGHTS**

No program receipts may be used to indemnify contractors or subcontractors of the Coamo Housing Authority against costs associated with any judgment of infringement of intellectual property rights.

**19.0 QUALITY CONTROL OF SECTION 8 PROGRAM**

In order to maintain the appropriate quality standards for the Section 8 program, the Coamo Housing Authority will regularly (at least annually) review files and records to determine if the work documented in the files or records conforms to program requirements. A supervisor or another qualified person other than the one originally responsible for the work or someone subordinate to that person shall accomplish this. The number of files and/or records checked shall be at least equal to the number specified in the Section 8 Management Assessment Program (SEMAP) for our size housing authority.

Among the areas that shall have, quality control reviews are the following:

- A. The proper people were selected from the waiting list and their selection criteria were actually met by the applicants.
- B. The determination of rent reasonableness.
- C. Participants are paying the appropriate rent and their income and expenses were properly verified both upon admission and re-certification.
- D. HQS inspections were properly made.
- E. HQS deficiencies were properly followed up on and appropriate repairs were made in a timely manner.

If significant errors are found during a quality control review, then appropriate training shall be immediately conducted for the person or persons who made the errors and that person shall correct all of his or her errors.

**Municipality of COAMO**  
**Administrative Plan**

**20.0 CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS**

**20.1 PURPOSE**

This Code of Conduct establishes standards for employees, officers, and agents that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity and specifically in this situation with the integrity of the employees, officers, and agents of the Coamo Housing Authority, this Section sets forth those acts or omissions of acts that could be deemed injurious to the general mission of the Authority.

This Code of Conduct is not intended, nor should it be construed, as an attempt to unreasonably intrude upon the individual employees, officers, and agents' right to privacy and the right to participate freely in a democratic society and economy.

**20.2 CONFLICT OF INTEREST**

In accordance with 24 CFR 982.161, neither the Coamo Housing Authority nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during his or her tenure with the Coamo Housing Authority or for one year thereafter:

- A. Any present or former member or officer of the Housing Authority);
- B. Any employee of the Housing Authority or any contractor, subcontractor or agent of the Housing Authority who formulates policy or who influences decisions with respect to the programs;
- C. Any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to the Coamo Housing Authority's programs; or
- D. Any member of the Congress of the United States.

Any member of the classes described in A, B, C, or D, must disclose their interest or prospective interest to the Housing Authority and HUD.

The Conflict of Interest prohibition under this section (24.2) may be waived by the HUD Field Office upon the request of the Coamo Housing Authority for good cause.

**20.3 PROHIBITION OF SOLICITATION OR ACCEPTANCE OF GIFTS**

No Housing Authority employee, officer, contractor, subcontractor, or agent shall solicit any gift or consideration of any kind, nor shall any Authority employee accept or receive

## **Municipality of COAMO Administrative Plan**

a gift, gratuities having a nominal value in excess of \$0.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the Authority. All officers, employees, contractors or subcontractors and agents are required to comply with The Governmental Ethical Law (Ley de Ética Gubernamental del 12 junio de 1985).

### **20.4 HOUSING AUTHORITY ADMINISTRATIVE AND DISCIPLINARY REMEDIES FOR VIOLATION OF THE HOUSING AUTHORITY CODE OF CONDUCT**

Violations of this Code of Conduct Policy will result in disciplinary action as outlined in the Coamo Housing Authority's Personnel Policy and in accordance with all the applicable Local, State, and Federal regulations.

## **21.0 ANTI-FRAUD POLICY**

The Coamo Housing Authority is fully committed to combating fraud in its Section 8 Housing Program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Coamo Housing Authority. It results in the inappropriate expenditure of public funds and/or a violation of Section 8 requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The Coamo Housing Authority shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the Coamo Housing Authority shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement;
- C. Terminate the resident's rental assistance;
- D. Refer the case for criminal prosecution; or
- E. Take such other action as the Coamo Housing Authority deems appropriate.

## **Municipality of COAMO Administrative Plan**

### **21.1 RENT TO OWNER**

#### **A. Determining the Rent to Owner**

##### **1. Initial and Re-determined Rents**

- (a) The amount of the initial rent to owner is established at the beginning of the HAP contract term. For rehabilitated or newly constructed housing, the Agreement states the estimated amount of the initial rent to owner, but the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.
- (b) The rent to owner is re-determined at the owner's request for a rent increase in accordance with this Section 25.6 (A) and Section 25.6 (B). The rent to owner is also re-determined at such time when there is a five percent or greater decrease in the published FMR.

##### **2. Amount of Rent to Owner**

Except for certain tax credit units as provided in Section 25.6 (C), the rent to owner must not exceed the lowest of:

- (a) An amount determined by the Coamo Housing Authority, not to exceed 110 percent of the applicable fair market rent (or any exception payment standard approved by HUD) for the unit bedroom size minus any utility allowance;
- (b) The reasonable rent; or
- (c) The rent requested by the owner.

##### **3. Rent to Owner for Certain Tax Credit Units**

- (a) This section applies if:
  - (i) A contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986 (see 26 U.S.C. 42);
  - (ii) The contract unit is not located in a qualified census tract;

A "qualified census tract" is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI) or where the poverty rate is at least 25 percent and where

## **Municipality of COAMO Administrative Plan**

the census tract is designated as a qualified census tract by HUD.

- (iii) In the same building, there are comparable tax credit units of the same unit bedroom size as the contract unit and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and
  - (iv) The tax credit rent exceeds the applicable fair market rental (or any exception payment standard) as determined in accordance with Section 25.6 (B).
- (b) The rent to owner must not exceed the lowest of:
- (i) The tax credit rent minus any utility allowance;
  - (ii) The reasonable rent; or
  - (iii) The rent requested by the owner.
- (c) The “tax credit rent” is the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., additional assistance such as tenant-based voucher assistance).

### 4. Rent to Owner for Other Tax Credit Units

Except in the case of a tax credit unit described in the Section immediately above, the rent to owner for all other tax credit units is determined pursuant to Section 2 above.

### 5. Reasonable Rent

The Coamo Housing Authority will determine reasonable rent in accordance with Section 25.6 (C). The rent to owner for each contract unit, may at no time, exceeds the reasonable rent.

### 6. Use of FMRs and Utility Allowance Schedule in Determining the Amount of Rent to Owner

- (a) Amounts used:

## **Municipality of COAMO**

### **Administrative Plan**

- (i) Determination of Initial Rent (at the beginning of the HAP contract term)

When determining the initial rent to owner, the Coamo Housing Authority will use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. At its discretion, the Coamo Housing Authority may use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract.

- (ii) Redetermination of Rent to Owner

When redetermining the rent to owner, the Coamo Housing Authority will use the most recently published FMR and the Coamo Housing Authority utility allowance schedule in effect at the time of redetermination. At its discretion, the Coamo Housing Authority may use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract.

- (b) Exception Payment Standard and Coamo Housing Authority Utility Allowance Schedule

- (i) Any HUD approved exception standard amount applies to both the tenant-based and project-based voucher programs. HUD will not approve a different exception payment standard amount for use in the project-based voucher program.

- (ii) The Coamo Housing Authority may not establish or apply different utility allowance amounts for the project-based voucher program. The same Coamo Housing Authority utility allowance schedule applies to both the tenant-based and project-based voucher programs.

#### **B. Re-determination of Rent to Owner**

- 1. The Coamo Housing Authority will re-determine the rent to owner:

- (a) Upon the owner's request; or

**Municipality of COAMO**  
**Administrative Plan**

- (b) When there is a five percent or greater decrease in the published FMR.

2. Rent Increase

- (a) The Coamo Housing Authority will not make any rent increase other than an increase in the rent to owner as outlined in 27.5(A) above.
- (b) The owner must request an increase in the rent to owner at the annual anniversary of the HAP contract by written notice to the Coamo Housing Authority. The Coamo Housing Authority must receive the written notice 60 days before the annual anniversary date. The request must be submitted in the form and manner required by the Coamo Housing Authority.
- (c) The Coamo Housing Authority will not approve and the owner will not receive any increase of rent to owner until and unless the owner has complied with all requirements of the HAP contract, including compliance with the HQS. The Coamo Housing Authority will not grant any retroactive increase of rent for any period of noncompliance.

3. Rent Decrease

If there is a decrease in the rent to owner, the rent to owner must be decreased, regardless of whether the owner requested a rent adjustment.

4. Notice of Rent Determination

The Coamo Housing Authority will give written notice of any re-determined rent. The Coamo Housing Authority notice of the rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract.

5. Contract Year and Annual Anniversary of the HAP Contract

- (a) The contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.
- (b) The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

## **Municipality of COAMO Administrative Plan**

The adjusted rent to owner amount applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

- (c) If contract units are placed under the HAP contract in stages commencing on different dates, there is a single annual anniversary for all contract units under the HAP contract. The annual anniversary for all contract units is the annual anniversary date for the first contract units placed under the HAP contract. The expiration of the HAP contract for all the contract units completed in stages must be concurrent with the end of the HAP contract term for the units originally placed under HAP contract.

### **C. Reasonable Rent**

#### **1. Comparability Requirement**

At all times during the term of the HAP contract, the rent to owner may not exceed the reasonable rent as determined by the Coamo Housing Authority.

#### **2. Redetermination**

The Coamo Housing Authority will re-determine the reasonable rent under the following circumstances:

- (a) Whenever there is a five percent or greater decrease in the published FMR in effect sixty (60) days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR in effect one year before the contract anniversary;
- (b) Whenever the Coamo Housing Authority approves a change in the allocation of responsibility for utilities between the owner and the tenant;
- (c) Whenever the HAP contract is amended to substitute a different contract unit in the same building; and
- (d) Whenever there is any other change that may substantially affect the reasonable rent.

#### **3. How to Determine Reasonable Rent**

## **Municipality of COAMO Administrative Plan**

The reasonable rent of a contract unit must be determined by comparison to rent for other comparable unassisted units. In determining the reasonable rent, the Coamo Housing Authority will consider factors that affect market rent, such as:

- (a) The location, quality, size, unit type, and age of the contract unit; and
- (b) Amenities, housing services, maintenance, and utilities to be provided by the owner.

#### 4. Comparability Analysis

- (a) For each unit, the Coamo Housing Authority comparability analysis will use at least three comparable units in the private unassisted market, which may include comparable unassisted units in the premises or project.
- (b) The Coamo Housing Authority will retain a comparability analysis that shows how the reasonable rent was determined, including major differences between the unassisted units.
- (c) The comparability analysis may be performed by the Coamo Housing Authority staff or by another qualified person or entity. A person or entity that conducts the comparability analysis and any Coamo Housing Authority staff or contractor engaged in determining the housing assistance payment based on the comparability analysis may not have any direct or indirect interest in the property.

#### 5. Owner Certification of Comparability

By accepting each monthly housing assistance payment from the Coamo Housing Authority, 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 Coamo Housing Authority information requested by the Coamo Housing Authority on rents charged by the owner for other units in the premises or elsewhere.

#### 6. Determining Reasonable Rent for Coamo Housing Authority Units

For Coamo Housing Authority units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with Section 25.6(B), rather than by Coamo Housing

## **Municipality of COAMO Administrative Plan**

Authority staff. Reasonable rent must be determined in accordance with this Section.

The independent entity must furnish a copy of the independent entity determination of reasonable rent for Coamo Housing Authority owned units to the Coamo Housing Authority and to the HUD field office where the project is located.

### 7. Rent to Owner: Effect of Rent Control and Other Rent Limits

In addition to all the above limitations on the rent paid to the owner, if a state or local rent control requirement exists, it will apply to the property.

## **21.2 PAYMENT TO OWNER**

### A. Coamo Housing Authority Payment to Owner for Occupied Unit

#### 1. When Payments Are Made

The Coamo Housing Authority will make housing assistance payments to the owner in accordance with the terms of the HAP contract.

Except for discretionary vacancy payments in accordance with 25.7(B) below, the Coamo Housing Authority will not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

#### 2. Monthly Payment

Monthly, the Coamo Housing Authority will make a housing assistance payment to the owner for each contract unit that is in compliance with HQS and is leased to and occupied by an eligible family in accordance with the HAP contract.

#### 3. Calculating Amount of Payment

The monthly housing assistance payment by the Coamo Housing Authority to the owner for a contract unit leased to a family is the rent to owner minimum the tenant rent (total tenant payment minus the utility allowance).

#### 4. Prompt Payment

The Coamo Housing Authority will make the housing assistance payment to the owner under the HAP contract on or about the fifth day of the month for which payment is due, unless the owner and the Coamo

## **Municipality of COAMO Administrative Plan**

Housing Authority agree on a later date. If such an agreement has been made, it must be in writing.

### 5. Owner Compliance with Contract

In order to receive housing assistance payments in accordance with the HAP contract, the owner must be in compliance with all the provisions of the HAP contract. Unless the owner complies with all the provision of the HAP contract, the owner does not have a right to receive housing assistance payments.

### B. Vacancy Payment

#### Payment for Move-Out Month

If an assisted family moves out of the unit, the owner may keep the housing assistance payment payable for the calendar month when the family moves out (“move-out month”). If the Coamo Housing Authority determines that the vacancy is the owner’s fault, the owner may not keep the payment.

### C. Tenant Rent; Payment to Owner

#### 1. Coamo Housing Authority Determination

The Coamo Housing Authority will determine the tenant rent and effective dates of changes in rent in accordance with this Section 8 Administrative Plan. The tenant rent is the portion of the rent to owner paid by the family.

#### 2. Tenant Payment to Owner

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The tenant rent is determined by the Coamo Housing Authority and is the maximum amount the owner can charge the family for rent of a contract unit.

The tenant rent is payment for all housing services, maintenance, equipment, and utilities to be provided by the owner without additional charge to the tenant, in accordance with the HAP contract and lease.

The owner cannot demand or accept any rent payment from the tenant in excess of the tenant rent. The owner is required to, immediately return any excess payment to the tenant.

#### 3. Limit of Coamo Housing Authority Responsibility

The Coamo Housing Authority is responsible only for making housing assistance payments to the owner on behalf of a family in accordance with

## **Municipality of COAMO Administrative Plan**

the HAP contract. The Coamo Housing Authority is not responsible for paying the tenant rent, or for paying any other claim by the owner.

#### 4. Utility Reimbursement

If the amount of the utility allowance exceeds the total tenant payment, the Coamo Housing Authority will pay the amount of such excess as a reimbursement for tenant-paid utilities and the tenant rent to the owner shall be zero.

#### D. Other Fees and Charges

##### 1. Meals and Supportive Services

In assisted living developments receiving project-based assistance, owners may charge tenants, family members, or both for meals or supportive services. These charges will not be included in the rent to owner, nor will the value of meals and supportive services be included in the calculation of reasonable rent. Non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

For any other type of project-based assistance (other than assisted living), the owner may not require the tenant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

##### 2. Other Charges by Owner

### **22.0 THE OWNER MAY NOT CHARGE THE TENANT OR FAMILY MEMBERS EXTRA AMOUNTS FOR ITEMS CUSTOMARILY INCLUDED IN RENT IN THE LOCALITY OR PROVIDED AT NO ADDITIONAL COST TO UNSUBSIDIZED TENANTS IN THE PREMISES. COST SAVING POSSIBILITES**

Unfortunately, in recent years the management of the Housing Choice Voucher Program has become more difficult for the Coamo ousing Authority and all other housing authorities managing the program. As Congress and HUD change the way they fund the program, more and more challenges face the Coamo Housing Authority.

## **Municipality of COAMO Administrative Plan**

There are no simple solutions to the challenges the Coamo Housing Authority faces and the actions we must take will vary depending on circumstances that are often beyond our control. Therefore, the Coamo Housing Authority hereby establishes in its Administrative Plan the following options that will be considered by the Board of Commissioners depending on the particular circumstances of the time. They are not listed in any particular order.

None of these options will be implemented without Board of Commissioner approval and the opportunity for affected participants to address the Board of Commissioners. Any actions taken under this section of the Administrative Plan will sunset if and when the procuring reason for the action is no longer in effect. Rescissions will also require Board of Commissioner approval.

There shall be one basic principle that will guide the Coamo Housing Authority in implementing any or all of these options – what must the Coamo Housing Authority do to assist the maximum number of eligible people in a quality Housing Choice Voucher Program while maintaining the fiscal integrity of the program. The Coamo Housing Authority shall endeavor to protect elderly and disabled families from significant impact (defined as loss of one’s Housing Choice Voucher) but recognizes that what is feasible is dependant on the amount of funding provided to the program.

The options are as follows:

- A. The Housing Choice Voucher Payment Standards may be reviewed in light of the funding situation. If payment standards are reduced, the lower payment standard shall go into effect immediately for new admissions, participants moving from one unit to another, and people staying in place who require a new HAP contract because they are signing a new lease. In extraordinary circumstances, the Coamo Housing Authority may be forced to ask HUD for a waiver so that even those participants staying in place without a new lease shall have their payment standard decreased immediately instead of the normal second regular reexamination after the lowering of the payment standard.
- B. Housing Choice Voucher Payment Standards must be established according to HUD regulation so that no more than 40% of the participants are paying more than 30% of their monthly adjusted income for rent. If circumstances dictate it, the Coamo Housing Authority may be forced to ask for a waiver of this prohibition in order to sufficiently lower its payment standard.
- C. The utility allowance schedule may be reviewed to determine if the utility allowances are too high. If they are too high that means that the participants are being subsidized in an excess manner. The new utility allowance schedule may be placed into after a thirty day notice or at a participant’s next reexamination

## **Municipality of COAMO Administrative Plan**

depending on the financial circumstances the Coamo Housing Authority finds itself in.

- D. As stated in Section 11.6, utility allowances are supposed to be adjusted annually or sooner if there is a utility rate increase of 10% or more. If circumstances warrant, the Coamo Housing Authority reserves the right to seek a HUD waiver of this regulatory requirement.
- E. If financial circumstances dictate, the Coamo Housing Authority may deny portability moves to a higher cost area for its Housing Choice Voucher participants and/or shoppers if the Coamo Housing Authority has insufficient funds to pay the higher subsidy amounts and the receiving housing authority declines to absorb the family. While the Board of Commissioners must establish this policy after an examination of the fiscal affairs of the organization, individual denials of portability shall only occur after the Coamo Housing Authority has determined that the receiving housing authority will not absorb the family. The denial of absorption shall be documented in that person's file.
- F. If financial circumstances dictate, the Coamo Housing Authority may deny the right of a participant to move within the jurisdiction of the Coamo Housing Authority to a portion of the jurisdiction that has a higher payment standard than the portion of the jurisdiction the participant currently lives in if the Coamo Housing Authority has insufficient funds to pay the higher subsidy amounts.
- G. In order to ensure that rent reasonableness requirements are being complied with, the Coamo Housing Authority may engage in special rent reasonableness reexaminations. This may be performed on all of the units in the program, a sample of the units in the program, or specifically targeted units that the Coamo Housing Authority believes may not be meeting the required rent reasonableness test. If a unit fails the rent reasonable test, the owner must reduce the rent to the reasonable amount after receiving appropriate notice or the HAP contract must be terminated. If the HAP contract is terminated for this reason, the family will be issued a new voucher to find a new abode.
- H. Housing Choice Vouchers issued to families on the waiting list that have not resulted in HAP contracts will be cancelled.
- I. The Coamo Housing Authority may be forced to not reissue vouchers surrendered by current participants immediately upon their return to the Housing Authority. Instead, the vouchers may be held in the Authority's inventory in order to avoid dire financial consequences. The amount of time they will be held shall be determined based upon the financial situation of the Housing Authority.

## **Municipality of COAMO Administrative Plan**

- J. The subsidy standards set forth in Section 6.0 may be reexamined. The size of the unit the Housing Choice Voucher is issued for may need to be reduced. For example, the current age differential of six years now would apply only when the older child is eighteen years or older or may use the zero bedroom payment standard for households with only one person.
- K. A program wide study may be conducted to ensure that families are utilizing the proper size Housing Choice Voucher for their current family size.
- L. If the minimum rent is increased under Section 11.5 (B), it can be made the first of the month following the month families are notified of the increase (provided there has been at least a 30-day notice) instead of at the next reexamination.
- M. The requirement of when families have to report changes of their income as set forth in Section 14.2 may be modified due to the financial pressure facing the Coamo Housing Authority. In addition, the new rent payment may become effective at the start of the next month provided there has been a thirty day notice.
- N. Owners participating in the Housing Choice Voucher Program may be asked to voluntarily reduce the rents they are charging participants in order to assist in the financial solvency of the program. This must be a truly voluntary program.
- O. The absolutely last step the Coamo Housing Authority will take to resolve its Housing Choice Voucher financial problems will be to terminate the vouchers of families already receiving assistance. If this becomes necessary, the following sequence shall be used to determine which individual Housing Choice Vouchers are terminated first.
  - 1. Those who have been assisted the longest are the first off.
  - 2. Those without local preferences are terminated before those with a local preference.

If it becomes necessary for the Coamo Housing Authority to terminate Housing Choice Vouchers, the families terminated shall be reinstated onto the program as soon as fiscally and practically feasible. The following readmission sequence shall be utilized.

- 1. Those with local preferences will be admitted first
- 2. Those who have been assisted the longest are next

## **Municipality of COAMO Administrative Plan**

### **23.0 DOMESTIC VIOLENCE, DATING AND STALKING**

That an applicant or participant is or have been a victim of domestic violence, dating violence or stalking is not an appropriate basis for denial of program assistance, termination of program assistance, or for denial of admission to any assisted housing program if the applicant otherwise qualifies for assistance or admission.

The Housing Authority may not terminate assistance to a participant in the Housing Choice Voucher Program based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking against that participant.

The Housing Authority may, however, terminate assistance to individuals who engage in criminal acts of physical violence against family members or others.

Nothing in this section shall be construed to limit the authority of the HA to terminate assistance if the Housing Authority can demonstrate an actual or imminent threat to other tenants or those employed at, or providing service to, the property or to the Housing Authority, if a tenant is not evicted or terminated from assistance.

### **24.0 GLOSSARY**

**1937 Housing Act:** The United States Housing Act of 1937 [42 U.S.C. 1437 et seq.]

**Absorption:** In portability, the point at which a receiving housing authority stops billing the initial housing authority for assistance on behalf of a portable family. [24 CFR 982.4]

**Adjusted Annual Income:** The amount of household income, after deductions for specified allowances, on which a participant's rent is based.

**Administrative Fee:** Fee paid by HUD to the housing authority for the administration of the program.

**Administrative Fee Reserve:** Account established by the Housing Authority from excess administrative income.

**Administrative Plan:** The plan that describes housing authority policies for the administration of the tenant-based programs.

**Admission:** The point when the family becomes a participant in the program. In a tenant-based 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).

## **Municipality of COAMO Administrative Plan**

**Adult:** A household member who is 21 years or older or 18 years of age or older, emancipated by law, parents or legal guardians or emancipated by legal marriage (not common law) in accordance with the Civil Code of the Commonwealth of Puerto Rico. An adult must have the legal capacity to enter a lease under State and Local Law. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State, or Tribal Law.

**Agreement** Is a written contract between the HA and the owner in the form prescribed by HUD. Defines the requirements for development of housing to be assisted. (Agreement to enter into a HAP contract)

**Allowances:** Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly and disabled families, disability expenses, and child care expenses for children under 13 years of age. Other allowances can be given at the discretion of the housing authority.

**Annual Contributions Contract (ACC):** The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program.

**Annual Income:** All amounts, monetary or not, that:

- a. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or
- b. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- c. Are not specifically excluded from Annual Income.
- d. Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access.

**Applicant (applicant family):** A family that has applied for admission to a program but is not yet a participant in the program.

**Assets:** see net family assets.

**Asset Income:** Income received from assets held by household members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income.

## **Municipality of COAMO Administrative Plan**

**Assisted Lease (lease):** A written agreement between an owner and a family for the leasing of a dwelling unit to the family. 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 housing authority.

**Assisted Living Facility:** A residence facility (including a facility located in a larger multifamily property) that meets all the following criteria:

- a. The facility is licensed and regulated as an assisted living facility by the state, municipality, or other political subdivision.
- b. The facility makes available supportive services to assist residents in carrying out activities of daily living; and
- c. The facility provides separate dwelling units for residents and includes common rooms and other facilities appropriate and actually available to provide supportive services for the residents.

**Business Days:** Days the housing authority is open for business.

**Budget Authority:** An amount authorized and appropriated by the Congress for payment to Housing Authority under the program. For each funding increment in an Housing Authority program, budget authority is the maximum amount that may be paid by HUD to the Housing Authority over the ACC term of the funding increment.

**Certification:** The examination of a household's income, expenses, and family composition to determine the household's eligibility for program participation and to calculate the household's rent for the following 12 months.

**Child:** For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age.

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

**Child Custody:** Guardianship of a minor.

**Citizen:** A citizen or national of the United States.

## **Municipality of COAMO Administrative Plan**

**Common Space:** In shared housing: Space available for use by the assisted family and other occupants of the unit.

**Comparable Rental Assistance:** A subsidy or other means to enable a family to obtain decent housing in the HA jurisdiction renting at a gross rent that is not more than 40 percent of the family's adjusted monthly gross income.

**Consent Form:** Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits.

**Contiguous MSA:** In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial housing authority is located.

**Continuously assisted:** An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Housing Choice Voucher Program or is temporarily residing in a shelter for a legitimate reason.

**Cooperative:** Housing owned by a corporation or association, and where a member of the corporation or association has the right to reside in a particular unit, and to participate in management of the housing.

**Cooperative Member:** A family of which one or more members owns membership shares in a cooperative.

**Covered Families:** Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

**Covered Person:** For purposes of the anti-drug provisions of this policy, a covered person is a resident, any member of the resident's household, a guest, or another person under the resident's control.

**Currently Engaging in:** With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

## **Municipality of COAMO Administrative Plan**

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (a) The length of the relationship.
- (b) The type of relationship
- (c) The frequency of interaction between the persons involved in the relationship.

**Debarment:** Prohibition on use of debarred, suspended, or ineligible contractors.

**Decent, Safe, and Sanitary:** Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

**Department:** The Department of Housing and Urban Development.

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

**Development:** Construction or rehabilitation of Project-Based Voucher (PBV) housing after the proposal selection date.

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

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

**Disabled Person:** See "person with disabilities".

**Displaced Family:** A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), 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.

**Displaced person:** A person displaced by governmental action (such as urban renewal), 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.

## **Municipality of COAMO Administrative Plan**

**Domestic Violence:** Includes a felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth who is protected from that persons acts under the domestic or family violence laws of the jurisdiction.

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

**Drug:** means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Drug-Related Criminal Activity:** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

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

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

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

**Evidence of Citizenship or Eligible Status:** The documents that must be submitted to evidence citizenship or eligible immigration status.

**Exception Rent:** An amount that exceeds the published fair market rent.

**Existing Housing:** Housing Units that already exist on the proposal selection date and that substantially comply with Housing Quality Standards (HQS) on that date. This units must fully comply with HQS before execution of the HAP contract.

**Extremely Low-Income Families:** Those families whose incomes do not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

## **Municipality of COAMO Administrative Plan**

**Fair Market Rent (FMR):** The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately-owned existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs are published periodically in the Federal Register.

**Family** includes but is not limited to:

- a. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- b. An elderly family;
- c. A near-elderly family;
- d. A disabled family;
- e. A displaced family;
- f. The remaining member of a resident family; and
- g. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family.

**Family Members:** include all household members except live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD-50058 form.

**Family Rent to Owner:** In the housing choice voucher program, the portion of rent to owner paid by the family.

**Family Share:** The portion of rent and utilities paid by the family or the gross rent minus the amount of the housing assistance payment.

**Family Unit Size:** The appropriate number of bedrooms for a family as determined by the housing authority under the housing authority's subsidy standards.

**50058 Form:** The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process, and, at the option of the housing authority, for interim reexaminations.

**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 Housing Choice Voucher Program, the housing authority may adopt a payment standard up to the FMR/exception rent limit.

**Full-time Employment:** Employment that averages at least 30 hours per week. This can include self-employment as long as the employee earns at least the average of the federal minimum wage over a 30 hour period.

## **Municipality of COAMO Administrative Plan**

**Full-time Student:** A person who is attending school or vocational training on a full-time basis as defined by the institution.

**Funding Increment:** Each commitment of budget authority by HUD to an HA under the consolidated ACC for the HA program.

**Gross Rent:** The sum of the rent to the owner plus any utilities.

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

**Guest:** Means a person temporarily staying in the unit with the consent of a resident or other member of the household who has express or implied authority to so consent on behalf of the resident.

**Handicapped Assistance Expense:** Reasonable expenses that are anticipated, during the period for which total annual income is computed, for attendant care and auxiliary apparatus for a handicapped or disable family member and that are necessary to enable a family member (including the handicapped or disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimburse by an outside source.

**Handicapped Person or Disable Person:** A person having a physical or mental impairment which:

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

All three conditions must be met to qualify as handicapped.

**Hazardous Duty Pay:** Pay to a family member in the Armed Forces away from home and exposed to hostile fire.

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

**Home:** In the homeownership option: A dwelling unit for which the Coamo Housing Authority pays homeownership assistance.

**Homeless Family:** Any individual or family who:

- a. Lacks a fixed, regular, and adequate nighttime residence.
- b. Has a primary nighttime residence that is:

## **Municipality of COAMO Administrative Plan**

- (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill).
- (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or
- (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

c. A homeless family does not include:

Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law;

**OR**

- (1) Any individual who is a Single Room Occupant that is not considered substandard housing as defined below.

**Homeowner:** In the homeownership option, a family of which one or more members owns title to the home.

**Housing Authority:** A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

**Household Members:** include all individuals who reside or will reside in the unit and who are listed on the lease, including live-in aides, foster children, and foster adults.

**Housing Assistance Payment (HAP) Housing Choice Voucher:** The monthly assistance by a housing authority, which includes (1) a payment to the owner for rent to the owner under the family's lease, and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

**Housing Assistance Payment Contract:** A written contract between a Housing Authority and an owner, in the form prescribed by HUD, in which the Housing Authority agrees to make housing assistance payments to the owner on behalf of an eligible family.

**Housing Quality Standards (HQS):** The HUD minimum quality standards for housing assisted under the Section 8 program.

**Housing Voucher:** A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the

## **Municipality of COAMO Administrative Plan**

procedures for housing authority approval of a unit selected by the family. The housing choice voucher also states the obligations of the family under the program.

**Housing Choice Voucher Holder:** A family that has an unexpired housing choice voucher.

**Immediate Family Member:** Means, with respect to a person:

- (a) A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis (in place of a parent); or
- (b) Any other person living in the household of that person and related to that person by blood or marriage.

**Imputed Income:** For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used in determining annual income.

**Imputed Welfare Income:** The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements that is nonetheless included in the family's annual income for purposes of determining rent.

**Income Category:** Designates a family's income range. There are three categories: low income, very low income and extremely low-income.

**Incremental Income:** The increased portion of income between the total amount of welfare and earnings of a family member prior to enrollment in a training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases and decreases, are treated in the usual manner in determining annual income.

**Infant:** A child under the age of two years.

**Initial Housing Authority:** In portability, both: (1) a housing authority that originally selected a family that later decides to move out of the jurisdiction of the selecting housing authority; and (2) a housing authority that absorbed a family that later decides to move out of the jurisdiction of the absorbing housing authority.

**Initial Lease Term:** The lease term at the beginning of the assisted lease. The initial lease term must be for at least one year.

**Initial Payment Standard:** The payment standard at the beginning of the HAP contract term.

## **Municipality of COAMO Administrative Plan**

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

**Interest in the Home:** In the homeownership option:

- a. In the case of assistance for a homeowner, “interest in the home” includes title to the home, any lease, or other right to occupy the home, or any other present interest in the home.
- b. In the case of assistance for a cooperative member, “interest in the home” includes ownership of membership shares in the cooperative, any lease, or other right to occupy the home, or any other present interest in the home.

**Interim (examination):** A reexamination of a household's income, expenses, and household status conducted between the annual recertification when a change in a household's circumstances warrant such a reexamination.

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

**Labor Standards:** Regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR part 5 and other federal laws and regulations pertaining to labor standards applicable to an Agreement covering nine or more assisted units.

**Law Enforcement Agency:** The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal convictions records.

**Lead-Based Paint:** Regulations implementing the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856).

**Lease:** A written agreement between an owner and participant for the leasing of a dwelling unit to the resident. 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 housing authority. In cooperative housing, a lease is a written agreement between a cooperative and a member of the cooperative. The agreement established the conditions for occupancy of the member’s cooperative dwelling unit by the member’s family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the Housing Authority. For purposes of part 982, the cooperative is the section 8 “owner” of the unit and the cooperative member is the section 8 “tenant”.

## **Municipality of COAMO Administrative Plan**

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

**Legal Capacity:** The participant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

**Live-in Aide:** A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

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

A live-in aide is not a party to the lease and must be approved in advance by the Coamo Housing Authority.

**Low-Income Families:** Those families whose incomes do not exceed 80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

**Medical Expenses:** Medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

**Membership Shares:** In the homeownership option, shares in a cooperative. By owning such cooperative shares, the share-owner has the right to reside in a particular unit in the cooperative, and the right to participate in management of the housing.

**Military Services:** The active military services of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and since July 29, 1945, the commissioned corps of the United States Public Health Service.

**Minimum Rent:** Families assisted under the Public Housing program pay a monthly minimum rent of no more than \$50.00 per month. The Housing Authority has the discretion to establish the minimum rent from \$0.00 up to \$50.00. The minimum rent established by the Coamo Housing Authority is \$50.00.

## **Municipality of COAMO Administrative Plan**

**Minor:** A person under 21 years of age, provided that a married person 18 years of age or older shall be considered to be of the age of majority. (an unborn child may not be counted as a minor).

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

**Monthly Adjusted Income:** One twelfth of adjusted income.

**Monthly income:** One twelfth of annual income.

**National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

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

### **Net Family Assets:**

- a. Net cash value after deducting reasonable costs that would be incurred in disposal of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- b. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- c. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important

## **Municipality of COAMO Administrative Plan**

consideration not measurable in dollar terms.

- d. For purposes of determining annual income under Section 8 Homeownership, the term “net family assets” does not include the value of a home currently being purchased with assistance under the Section 8 Homeownership Program. This exclusion is limited to the first 10 years after the purchase date of the home.

**Noncitizen:** A person who is neither a citizen nor national of the United States.

**Notice Of Funding Availability (NOFA):** For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

**Occupancy Standards:** The standards that the housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Other Person Under the Tenant’s Control:** For the purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant’s control.

**Owner:** Any person or entity, including a cooperative, having the legal right to lease or sublease existing housing. In the anti-drug related Areas of this policy, it means the owner of federally assisted housing.

**Participant (participant family):** A family that has been admitted to the housing authority's 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 housing authority for the family (first day of initial lease).

**Payment Standard:** In a housing choice voucher tenancy, the maximum monthly assistance payment for a family (before deducting the total tenant payment by family contribution). For a housing choice voucher tenancy, the housing authority sets a payment standard in the range from 90% to 110% of the current FMR.

**Permanently Absent:** A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

## **Municipality of COAMO Administrative Plan**

**Person with Disabilities:** A person who:

- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - 1. Is expected to be of long-continued and indefinite duration;
  - AND**
  - 2. Substantially impedes his or her ability to live independently;
  - AND**
  - 3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions;
  - 4.
  - OR**
- C. Has a developmental disability as defined in 42 U.S.C. 6001.

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

**Portability:** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial housing authority.

**Preferences:** At the option of the HA, a preference system can be used to select among applicant families.

**Proposal Selection Date:** The date the HA gives written notice of PBV proposal selection to an owner whose approval is selected in accordance with the criteria established in our HA Administrative Plan.

**Premises:** The building or complex in which the dwelling unit is located, including common areas and grounds. For purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

## **Municipality of COAMO Administrative Plan**

**Present Ownership Interest:** In the homeownership option, “Present ownership option” in a residence includes title, in whole or in part, to a residence, or ownership, in whole or in part, of membership shares in a cooperative. “Present ownership interest” in a residence does not include the right to purchase title to the residence under a lease-purchase agreement.

**Preservation:** This program encourages owners of eligible multifamily housing projects to preserve low-income housing affordability and availability while reducing the long-term cost of providing rental assistance. The program offers several approaches to restructuring the debt of properties developed with project-based Section 8 assistance whose HAP contracts are about to expire.

**Processing Entity:** The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs the processing entity is the responsibility entity.

**Prorating of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance.

**Public Housing:** Housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating funds.

**Public Housing Agency:** A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

**Reasonable rent:** A rent to owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted unit in the premises.

**Receiving Housing Authority:** In portability, a housing authority that receives a family selected for participation in the tenant-based program of another housing authority. The receiving housing authority issues a housing choice voucher, and provides program assistance to the family.

**Re-Certification:** A reexamination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months.

**Remaining Member of a Tenant Family:** A member of the family, of legal age, listed on the lease that remains in the subsidized unit after the family member who signed the voucher has left the premises. An individual must have received housing subsidy under the program to which

## **Municipality of COAMO Administrative Plan**

he/she claims head of household status for one year, before becoming eligible for section 8 subsidy as a remaining member. This family member must complete forms necessary for section 8 assistance within ten calendar days from the departure of the leaseholder and may remain in the unit for a reasonable time pending the verification.

**Rent to Owner:** The monthly rent payable to the owner under the lease. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

**Residency Eligibility:** An Coamo Housing Authority eligibility requirements for admission of families that reside or work anywhere in the Municipality of Coamo.

### **Responsible Entity:**

- A. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;
- B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

**Risk Assessment:** In the context of lead-based paint it means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including:

- A. Information gathering regarding the age and history of the housing and occupancy by children under age 6;
- B. Visual inspection;
- C. Limited wipe sampling or other environmental sampling techniques;
- D. Other activity as may be appropriate; and
- E. Provision of a report explaining the results of the investigation.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

## **Municipality of COAMO Administrative Plan**

**Single-Family Building:** A building with no more than four dwelling units (assisted or unassisted).

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

**Single Room Occupancy Housing (SRO):** A unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

**Site:** The grounds where the contract units are located, or will be located after development pursuant to the Agreement.

**Special Admission:** Admission of an applicant that is not on the housing authority waiting list, or admission without considering the applicant's waiting list position.

**Special Housing Types:** Special housing types include: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

### **Specified welfare benefit reduction:**

5. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
6. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
  1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;
  2. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
  3. because a family member has not complied with other welfare agency requirements.

## **Municipality of COAMO Administrative Plan**

**Spouse:** A spouse is the legal husband or wife of the head of the household. This includes common law marriage.

**Stalking:** To follow, pursue, or repeatedly commit acts with the extend to kill, injure, harass, or intimidate; or to place under surveillance with the intend to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to:

- (a) that person
- (b) a member of the immediate family of that person; or
- (c) the spouse or intimate partner of that person.

**State Wage Information Collection Agency (SWICA):** The State agency receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

**Statement of Family Responsibility:** An agreement in the form prescribed by HUD, between the housing authority and a family to be assisted under the Moderate Rehabilitation Program, stating the obligations and responsibilities of the family.

**Subsidy Standards:** Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

**Sufficient Funding:** The availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of Housing Assistance Payments (HAP) payable to the owner for any contract year in accordance with the terms of the HAP contract.

**Temporarily Absent** A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds five (5) calendar days, the Housing Authority must agree to the absence.

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

**Tenant-Based:** Rental assistance that is not attached to the structure.

**Tenant Paid Utilities:** Utility service that is not included in the tenant rent, and which is the

## **Municipality of COAMO Administrative Plan**

responsibility of the assisted family.

**Tenant Rent:** The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. The tenant payment is the amount the tenant pays toward rent and allowance for utilities. To arrive at tenant rent, the utility allowance is subtracted from the total tenant payment or minimum rent.

**Third-Party (verification):** Oral or written confirmation of a household's income, expenses, or household composition provided by a source outside the household, such as an employer, doctor, school official, etc.

### **Total Tenant Payment (TTP):**

- (1) Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
  - a. 30% of the family's monthly adjusted income;
  - b. 10% of the family's monthly income;
  - c. Minimum rent; or
  - d. if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.
- (2) If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under Section 3(a)(1) shall be the amount resulting from one application of the percentage.

**Utility Allowance:** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a housing authority 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 environment.

**Utility Reimbursement:** The portion of the housing assistance payment that exceeds the amount of the rent to owner. It is only paid when the housing assistance payment exceeds the rent to

## **Municipality of COAMO Administrative Plan**

owner. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA 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 environment.

### **Verification:**

- a. The process of obtaining statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors).
- b. The three types of verification are:
  - (1) Third-party verification, either written or oral, obtained from employers, public assistance agencies, schools, etc.
  - (2) Documentation such as a copy of a birth certificate or bank statement
  - (3) Family certification or declaration (only used when third-party or documentation verification is not available)

**Very Low-Income Families:** Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Victims of Domestic Violence:** Individuals or families who have been or are being subjected to or victimized by violence by a member of the family or household. The Coamo Housing Authority will require evidence that the family has been displaced as result of fleeing violence in the home. Individuals and families are also eligible if there is proof that the individual or family is currently living in a situation where they are being subjected to or victimized by violence in the home. Evidence or proof may include a Protection from Abuse Order, police report, or written verification that the individual or family is living in an emergency shelter because the individual or family has been subjected to or victimized by violence by a member of the family or household. The following criteria are used to establish an individual's or a family's eligibility for this preference:

- A. Verified actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the

## **Municipality of COAMO Administrative Plan**

unit with the family or where the family has fled its housing to escape from an abuser.

- B. The actual or threatened violence must have occurred within the past 30 calendar days or be of a continuing nature.

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

The applicant must certify that the abuser will not reside with the applicant unless the Housing Authority gives prior written approval.

The Housing Authority will approve the return of the abuser to the household under the following conditions:

- A. The Housing Authority verifies that the abuser has received therapy or counseling that appears to minimize the likelihood of the recurrence of violent behavior.
- B. A counselor, therapist, or other appropriate professional recommends in writing that the individual be allowed to reside with the family.

If the abuser returns to the family without approval of the Housing Authority, the Housing Authority will deny or terminate assistance for breach of the certification.

If the family requests it, the Coamo Housing Authority will try to ensure that the new location of the family is concealed.

**Violent Criminal Activity:** Means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

**Voucher (rental voucher):** A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family and states the obligations of the family under the program.

**Voucher Holder:** A family holding a housing choice voucher with unexpired search time.

**Wage Earner:** A person in a gainful activity who received any wages. Said wages or pay, covers all types of employee compensation including salaries, vacation allowances, tips, bonuses,

## **Municipality of COAMO Administrative Plan**

commissions and unemployment compensation. The terms “wage earner” and “worker” are used interchangeably

**Waiting List Admission:** An admission from the housing authority waiting list. [24 CFR 982.4]

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
- B. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term “assistance” excludes:

- A. Nonrecurring, short-term benefits that:
  - 1. Are designed to deal with a specific crisis situation or episode of need;
  - 2. Are not intended to meet recurrent or ongoing needs; and
  - 3. Will not extend beyond four months.
- B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- C. Supportive services such as child care and transportation provided to families who

## **Municipality of COAMO Administrative Plan**

are employed;

- D. Refundable earned income tax credits;
- E. Contributions to, and distributions from, Individual Development Accounts;
- F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
- G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

**Welfare Rent:** In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

**Written Notification:** All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.

**Wrong Size Unit:** A unit occupied by a family that does not conform to the subsidy guideline for family size, by being is too large or too small compared to the guideline.

**Municipality of COAMO  
Administrative Plan**

**CERTIFICATION OF REVIEW**

We certify that this Administrative Plan was revised and is consistent with the Code of Federal Regulations for HUD: *24 CFR 982* and the *Voucher Program Guidebook 74210.10G* (April, 2001).

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Ms. Edna Luna  
Section 8 Coordinator  
Municipality of Coamo

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Date

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Ms. Rita M. Rodríguez  
Federal Programs Director  
Municipality of Coamo

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Date

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Hon. Juan C. García Padilla  
Mayor  
Municipality of Coamo

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Date

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El viernes, sábado 1ro de diciembre de 2007

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Estado Libre Asociado de Puerto Rico

**Municipio de Coamo**

**AVISO VISTAS PÚBLICAS**

El Gobierno Municipal de Coamo, tiene disponible el Plan de cinco (5) años del Programa de Sección 8, para el período que comprende 2005-2009, incluyendo su Plan para el Año Fiscal 2008-2009. El Plan y todos los documentos asociados a éste estarán disponibles para ser examinados por el público en las Oficinas Administrativas del Programa de Sección 8 del Municipio de Coamo, en horario regular de trabajo desde el día de este aviso.

El Plan de cinco años del Programa de Sección 8 del Municipio de Coamo, contiene la estrategia que seguirá el programa para atender las necesidades de las familias de bajos y extremadamente bajos recursos.

Dicho documento incluye la misión, objetivos y metas establecidas para la operación del programa. El Plan Anual contiene información sobre la operación inmediata, los programas y servicios, los participantes y de cómo se atenderán las necesidades de éstos en el Año Fiscal 2008-2009.

Las personas interesadas en emitir comentarios sobre el Plan, los podrán presentar personalmente o por escrito en la Oficina de Programas Federales, Sección 8 localizada en:

Municipio de Coamo	Oficina de Programas Federales
Apartado 1875	Calle Mario Braschi #3
Coamo, PR 00769	Coamo, PR 00769

Además, se invita a la ciudadanía en general a participar de la Vista Pública en la Oficina de Programas Federales de nuestro Municipio el día 22 de enero de 2008, a las 10:00 a.m. El propósito de la misma es escoger comentarios adicionales sobre el Plan.

Dado en Coamo, Puerto Rico, hoy, 30 de noviembre de 2007.

  
Hon. Juan Carlos García Padilla  
Alcalde





Estado Libre Asociado de Puerto Rico  
Municipio de Coamo

Juan Carlos García Padilla  
Alcalde

HOJA ASISTENCIA  
VISTAS PÚBLICAS  
PLAN DE CINCO (5 AÑOS) PROGRAMA SECCIÓN 8  
22 DE ENERO DE 2008  
OFICINA PROGRAMAS FEDERALES  
HORA: 10:00 A.M.

NOMBRE	FIRMA
1. Edelwin Colón Mateo	
2. Efraín Negrón Otero	
3. Norma Y. Espada Rivera	
4. Zaida Ramos Maldonado	
5. Juana M. Mateo Ojeda	
6. Ana X. Prietas Santiago	
7. Ingrid Portuondo	
8. Efraín Luna Roda	
9. Marián Ceballos	
10. Vanessa & Marijalice	
11. Rita M. Rodríguez	



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

I, Angel M. Castillo Rodriguez, Esq., the Commissioner certify that the Five Year and  
Annual PHA Plan of the Municipality of Coamo is consistent with the Consolidated Plan of  
Puerto Rico prepared pursuant to 24 CFR Part 91.

 4-11-08  
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Signed/Typed by Appropriate State or Local Official