



PHA Plans

Streamlined Annual Version

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

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

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Streamlined Annual PHA Plan

for Fiscal Year: 2008-09

PHA Name: Municipality of Naguabo

Naguabo, Puerto Rico

HON. WILFREDO ASTACIO SANTIAGO
MAYOR

MARCH 2008



Streamlined Annual PHA Plan Agency Identification

PHA Name: Municipality of Naguabo

PHA Number: RQ047

PHA Fiscal Year Beginning: (mm/yyyy) 07/2008

PHA Programs Administered

Public Housing and Section 8

Number of public housing units:
Number of S8 units:

Section 8 Only

Number of S8 units: 121

Public Housing Only

Number of public housing units:

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

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

PHA Plan Contact Information:

Name: Mrs. Carmen L. Rodríguez
TDD:

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Email (if available): seccion8@naguabopr.com

Public Access to Information

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

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

Display Locations For PHA Plans and Supporting Documents

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

If yes, select all that apply:

Main administrative office of the PHA

PHA development management offices

Main administrative office of the local, county or State government

Public library PHA website Other (list below)



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

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



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

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 [24 CFR 903.7(r)]

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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. **NO.**

Site-Based Waiting Lists				
				<u>N/A</u>
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? **N/A**
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 **N/A**

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?



N/A

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. N/A

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.).

N/A

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):



N/A

HOPE VI Revitalization Grant Status	N/A
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: N/A

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)? N/A

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

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

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

4. Use of the Project-Based Voucher Program

Intent to Use Project-Based Assistance

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

1. Yes No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option? If yes, check which circumstances apply:

- low utilization rate for vouchers due to lack of suitable rental units
- access to neighborhoods outside of high poverty areas
- other (describe below):

2. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts):

5. PHA Statement of Consistency with the Consolidated Plan

[24 CFR Part 903.15]

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

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



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)

- The Commonwealth of Puerto Rico established efforts to provide decent, sanitary and safety housing units for special and non-special population. This support includes housing rehabilitation activities and assistance for first homebuyers funded with HOME funds.
- The Consolidated Plan of the jurisdiction includes funding assistance for first home buyers using funds from the Community Development Block Grant Program (CDBG State Program).
- Share information of federal programs including NOFA'S deadlines and other relevant data concerning federal grants.
- Provide funds for community development activities.
- Promote housing assistance using CDBG funds for homeowner's rehabilitation activities.
- The Department of Health provides assistance to low income persons in all of its related programs based upon nature and requirements of our program participants.
- The Consolidated Plan includes federal assistance for HIV/AIDS low income persons allocating funds from HOPWA. The PHA administers s funds from HOPWA as a sub recipient.
- Puerto Rico Consolidated Annual Action Plan provides funds for public activities in behalf of low-moderate and very low income families on a city wide basis.



6. Supporting Documents Available for Review for Streamlined Annual PHA

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

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
	<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 checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
X	Results of latest Section 8 Management Assessment System (SEMAM)	Annual Plan: Management and Operations



List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	Any policies governing any Section 8 special housing types <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
	Public housing grievance procedures <input type="checkbox"/> Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs <input type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Pet Policy
X	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Other supporting documents (optional) 1. VAWA Annual Plan statement 3. RABmembership 2. Public hearing process	(specify as needed)
	Consortium agreement(s) and for Consortium Joint PHA Plans <u>Only</u> : Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection.	Joint Annual PHA Plan for Consortia: Agency Identification and Annual Management and Operations

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

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

N/A

Capital Fund Program Five-Year Action Plan					
Part I: Summary					
PHA Name				<input type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2	Work Statement for Year 3	Work Statement for Year 4	Work Statement for Year 5
		FFY Grant: PHA FY:	FFY Grant: PHA FY:	FFY Grant: PHA FY:	FFY Grant: PHA FY:
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A. **PURPOSE**

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

B. **DEFINITIONS**

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

- 1937 Act: : Section 8 of the U.S. Housing Act of 1937 as amended
- Adjusted Income: Annual income less certain allowances as outlined in 24 CFR 5 Subpart F, as amended.
- Admission: The effective date of the first HAP contact for a family in a tenant-based program. This is the point when the family becomes a participant in the program.
- Housing Agency: Municipality of Naguabo Housing Agency.
- Annual Contributions Contract (ACC): a Written agreement between HUD and the Housing Agency to provide annual contributions to cover housing assistance payments and other related expenses. This is now a consolidated agreement for the Section 8 Rental Voucher Programs.
- Annual Income: The anticipated total income of a family for a 12-month period as outlined in 24 CFR5, as amended.
- Assets: Net cash value as outlined in 24 CFR 5 Subpart F, as amended.
- Child Care Expenses: Amount anticipated to be paid by the family for the care of

children under 13 years of age as outlined in 24 CFR 5, as amended.

- Citizen: A family member who is a U.S. Citizen by birth, a naturalized citizen or a national of the United States of America.
- City: Naguabo, Puerto Rico.
- Contract of Participation (FSS Contract) : A contract, as described in 24 CFR. 984.103, that sets forth the terms and conditions governing the FSS family participation in the FSS program.
- Continuously Assisted Family : Families who have received any form of federal housing Assistance under the U.S. Housing Act of 1937, as amended, within the 120 day period preceding the date of the eligibility interview shall be considered "Income eligible", if otherwise eligible under the remaining program rules.
- Dependent : A member of the eligible family household other than family head or spouse, who is under 18 years of age or is age 18 and older AND is a disabled person or handicapped person or is a full-time student.
- Disable Person : A person with a disability as defined in 24 CER 5, as amended.
- Displace Person: A person as defined in 24 CER 5 as amended, or a person displaced pursuant to a HUD directive, or a person whose dwelling has been extensively damaged by fire or natural disaster.
- Domicile: The legal residence of the household head or spouse as determined in accordance with State and local laws.
- Drug-related criminal activity: Drug-trafficking or illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C.802)).

- Drug trafficking: The illegal manufacture, sale or distribution. or the possession with intent to manufacture, sell or distribute a controlled substances.
- Elderly Family : A family as defined in 24 CFR 5, as amended.
- Elderly Person : A person who is at least 62 years of age.
- Family : A family consisting of two or more persons sharing residency who are either related by blood, marriage, or operation of law or have evidenced a stable family relationship and as defined in 24 CFR 5 as amended.
- Fair Market Rent : The maximum rent, including utilities, as annually established by HUD for dwelling units of varying sizes (number of bedrooms) for the purpose of establishing local payment standards.
- Family Income (Annual Income) : Income as defined in 24 (FR 5, as amended.
- Family Self Sufficiency Program or FSS Program: The program established by the Municipality of Naguabo Housing Agency to promote self-sufficiency among participating families, including the provision of supportive services to these families.
- FSS Family or Participating Family: A family that receives assistance under the Section 8 Housing Choice Voucher program, and whose designated head of family has signed to contract of participation.
- FSS Related Service Program: Any program, public or privately sponsored, that offers the kinds of supportive services determined to be appropriated in assisting FSS families achieve economic independence and self-sufficiency.
- FSS Slots: The total number of voucher that comprise the minimum program size of the Municipality of Naguabo Housing Agency 's FSS program.
- Family Unit size: The appropriate number of bedrooms for a family pursuant to

the Housing Agency's duly adopted subsidy standard, determines family unit size.

- Funding Increment: Each commitment of budget Housing Agency by HUD To a Housing Agency under consolidated annual contributions contract for the Housing Agency program.
- Full-time Student: A person who is full-time attendance (equal to a full-time day student) under the standards and practice of the educational institution he or she is attending.
- Gross Rent: The Contract Rent plus any utility allowance for tenant paid utilities and other services.
- Handicapped Person: A person having a physical or mental impairment as defined in 24 CFR 5.
- Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.
- Homeless Family: A person or family as defined in 24 CFR Subpart F, as amended.
- Housing Assistance Payments (HAP) : The monthly rental Assistance payment remitted by the Housing Agency on behalf of a Section 8 participant.
- Housing Choice Voucher: New and only form of Section 8 tenant based rental assistance as of October 1999.
- INS: The U.S. Immigration and Naturalization Service.
- HUD Requirements: requirements are issued by HUD headquarters; such as regulations, Federal Register notices, handbook requirements or other binding program for the Section 8 housing voucher program.

- Housing Assistance Payments Contract “Contract”: A written contract between the Housing Agency and an owner to make Housing Assistance Payments to the owner on behalf of an eligible family participating in the Housing Choice Voucher Program.
- Housing Choice Voucher : A document (HUD Form 52646) issued by the Housing Agency declaring a family to be eligible for participation in the Section 8 Housing Choice Voucher Program and stating the terms and conditions for the family’s participants.
- Housing Quality Standards (HQS): The inspection performance requirements and acceptability criteria for housing set forth in 24 CFR 982.40: as amended.
- HUD: The United States Department of Housing and Urban Development.
- Involuntary Displacement: Displacement of a person or family as outlined in 24 CFR 5 Subpart F.
- JTPA Program: Program covered under the jobs Training partnership Act.
- Live-in Aide: A person as defined in 24 CFR 5 Subpart F, a. amended.
- Lower -Income Family: A family whose income does not exceed 80 percent of the median income for the City as determined by HUD with adjustments for size of family.
- Medical Expenses : Those medical expenses which are anticipated to be incurred during the 12-month period for which the Annual Income is computed, and which are not covered by medical insurance (premiums for such medical insurance may be included as medical expenses) or any other sources.
- Merger Date: The date HUD officially merged the rules governing the Certificate and Voucher Programs into one form of rental assistance (i.e., October, 1999).

- Mixed family: A family whose members include those with citizenship or eligible immigration status.
- Moderate Rehabilitation : Generally defined to mean required dwelling unit repairs required to meet or exceed HQS at a total cost of \$1,000.00- 5,000.00 per unit.
- Monthly Income: One-twelfth of the Annual Income (also called Monthly Gross income).
 - Monthly Income after allowance: One twelfth of the Adjusted Income.
 - Near-Elderly: A person who is at least 50 years of age but below the age of 62.
 - Non-citizen: A person who is neither a citizen nor a national of United States.
 - Owner: Any person or entity, including a cooperative, having the legal right to lease or sub-lease a unit to participant.
 - Payments Standard: A schedule of amounts adapted by the city for each bedroom size that is used to determine the housing assistance (subsidy) a family will receive in the Voucher Program.
 - Portability: Moving with Section 8 housing choice voucher rental assistance (subsidy) to a dwelling unit outside of the jurisdiction of the issuing or initial Public Housing Agency.
 - Pre-Merger Certificate: Section 8 Certificate issued to a qualified family before October 1, 1999.
 - Pre-Merger Voucher: Section 8 Voucher issued to a qualified family before October 1, 1999.
 - Premises: The building or complex in which the dwelling unit is located including common areas and grounds.

- Public Assistance: Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by the Federal and/or State governments
- Public Housing Agency: PHA
- Remaining Member: A remaining member of a tenant family is a family member of and assistant tenant family who remains in the unit when other members of the family have left the unit. To remain in occupancy with continued rental assistance the remaining tenant family member must be of legal age to enter into a lease pursuant to state law, and must not be a current or recent participant in criminal activity as defined under the 1998 PHRA.
- Rental Agreement: A written agreement between an owner and an eligible family to rent a unit.
- Rent To the Owner: The rent payable to the owner as approved by the PHA pursuant to the owner's request and the rent reasonableness criteria.
- Reasonable Rent: A rent to the owner that is not more than either the rent charged for comparable units in the private unassisted market; or rent change by the owner for a comparable assisted or unassisted unit in the building or premise.
- Residency Preference: A Housing Agency preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").
- Residency Preference Area: The specified area where families must reside to qualify for a residency preference.
- Section 214: Section 214 of the Housing and Community Development Act of

1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration Status specified in Section 214.

- Single Person: A person living alone or intending to live alone.
- Special Admission : Admission of an applicant that is not on the PHA's waiting list, or admission without considering the applicant's waiting list position, such as a person who is displaced by HUD action with the promise of Section 8 rental assistance.
- Spouse: Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship.
- Subsidy Standards: Standards established by Housing Agency to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. (see definition of Family Unit Size).
- Spouse: Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship.
- Subsidy Standards: Standards established by a Housing Agency to determine the appropriate number of bedrooms and amount of subsidy to families of different sizes and compositions. (See definition of Family Unit Size.)
- Supportive Services: Those appropriate services that the Housing Agency will make available to an FSS family under a contract of participation. These services may include childcare, transportation, education, employment, counseling, and other services determined to be appropriate in assisting FSS families achieve economic independence and self-sufficiency.
- Suspension: Stopping the clock on the term of a family's voucher, for such period

as determined by the Housing Agency, from the time when the family submits a request for Housing Agency approval to lease a unit, until the time when the Reusing Agency approves or denies the request.

- Substandard Housing: Housing that is physically deficient as defined in 24 CFR 982219, as amended.
- Tenancy Addendum: The lease language required by HUD to be included in the lease between the tenant and the owner.
- Tenant: The person or persons who executes the lease or lessee of the dwelling unit.
- Tenant Rent : The amount payable monthly by the family as rent to the owner.
- Total Tenant Payment(TTP): The monthly cost of rent and utilities payable by the assisted family consistent with the HUD -required formula.
- U.S. Department of Housing and Urban Development: HUD
- Utility Allowance: An amount equal to the estimate established by the Housing Agency of the monthly costs of utilities (except telephone) and other housing services for an assisted, which we not included in the tenant rent, but is the responsibility of the family occupying the unit.
- U.S. National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, , including Puerto Rico,in the U.S. Virgin Islands, Guam, Canal Zone, etc.
- Utility Reimbursement Payment: The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. This amount can be paid directly to the tenant or the Utility Supplier pursuant to the PHA's adopted policy.

- Very Low-Income Family: A family whose income does not exceed 50 percent of the median income for the City as determined by HUD, with adjusted for size of family.
- Violent Criminal Activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.
- Waiting List: An admission from the Housing Agency's waiting list

C. GENERAL APPLICABILITY AND SCOPE

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

PC-1.00 Scope of the Section 8 Administrative Plan

The Section 8 housing choice voucher program is federally funded and locally administered by the Municipality of Naguabo Housing Agency through its Section 8.1 housing office (hereinafter referred to as the office or the program).

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

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

PC- 1.01 Statement of Compliance with Applicable Fair Housing Laws

The Municipality of Naguabo Housing Agency is a equal opportunity employer and equal opportunity housing provider.

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

- a. Title VI of the Civil Rights Act of 1964, as amended
- b. Title VII of the Civil Rights Act of 1968, as amended
- c. Section 504 of the Rehabilitation Act of 1973, as amended
- d. Fair Housing Amendments Act of 1988
- e. Title II of the Americans with Disabilities Act
- f. State/local Fair Housing Laws

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

Prospective and participating landlords will be apprised of applicable Fair Housing Laws aa4 the Housing Agency's policy regarding the full range of actions to be taken against landlords involved in discriminatory leasing practice.

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

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

- HUDS Fair Housing Brochure (dated 7/90);
- Assistance in completing HUD form 903; and/or
- Referral to the Regional HUD Office of Fair Housing.

- Referral to state or local housing organizations

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

PC-1.02 APPLICABILITY OF THE PRIVACY ACT

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

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

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

1. Notice of Availability of Housing Assistance

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

2. Notice in Accordance with HUD Guidelines

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

3. Opening and Closing the Waiting List

The Housing Agency will give public notice when the waiting list is opened, including any limitations on who may apply.

If the Housing Agency determines that its waiting list contains an adequate pool for use of its available funding, the Housing Agency may stop accepting applications.

4. Notice of Nondiscrimination

All notices of general circulation regarding the availability of the program, and any notices to prospective applicants/participant or owners shall state the Housing Agency promotes nondiscrimination in housing and will assist any family who alleges discrimination by staff and/or owners. Such assistance may include any of the following (a) assisting the family in completing HUD Form 903; (b) referring the family to the local legal aid society (c) referring the family to the California Civil Rights Housing Agency; (4) providing the family with the toll free nr for HUD's Office of Fair Housing in Washington, DC.

PD-I.OO Statement of Program Approach and Planned Outreach

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

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

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

- α. HUD forms which are printed in different languages
- β. Public notices in newspapers that serve various non-Spanish speaking populations.

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

- ***EL ORIENTAL***
- ***EL REGIONAL***
- ***EL ENCHUMBAO***
- ***PRIMERA HORA***
- ***EL NUEVO EL DIA***

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

At that time, the Section 8 program staff will conduct die family's final eligibility interview and undertake the required verification procedures.

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

through outreach activities with:

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

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

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

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

PD-1.01 Maintaining the Waiting List

The Municipality of Naguabo Housing Agency, a master waiting list for Section 8 Housing Choice Voucher Program:

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

- a. Name of head of household
- b. Address
- c. Register number
- d. Date and time the pre-application was received;
- e. Unit size (s) most appropriate a meet the family's needs;

- f. Preference status codes; and
- g. Annual Income (type of Income)

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

Waiting

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

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

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

Step 1: Estimate the number of families expected to be admitted over course of upcoming fiscal year based on historical data (use unit turnover data current fiscal year);

Step 2: Estimate number of families to be selected from the waiting list to facilitate 100% lease-up in upcoming fiscal year (use success rate data on number vouchers issued vs. number of contacts executed in current fiscal year);

Step 3: Based on current distribution of ELI families on the Waiting List determine if the MAHA can accomplish its requirement for 75% ELI admissions utilizing its "regular" tenant selection process, or if agency must intensively monitor waiting list selections to determine need to implement strategy (suspend regular preference for ELI preference; open Waiting List form new ELI applications; increase outreach to organizations representing the ELI populations).

PD-1.03 Updating The Waiting List

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

- be mailed an update letter of interest regarding continued interest (sent by 1st. class mail)

to the applicants most recently reported address);

- be required to complete update form and return it Within thirty (30) calendar days of mailing by the Housing Agency in order to maintain their name on the waiting list.

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

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

Any changes in the family's circumstances that affect their place on the waiting list such as a change in local preferences, will be made as the time that the family informs the agency.

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

PD-1.04 Closing and Reopening The Waiting List

The Housing Agency reserves the right to:

- χ. Discontinue application taking for all or some targeted applicant families when it has been determined by the Housing Agency's Manager or designee that there is insufficient funding.
- δ. Give public notice whenever the waiting list will reopen through a local newspaper of general circulation and selected minority print media;

- ε. State where and when interested person may apply and try limitations on who may apply, as well as any reasonable accommodations for persons with disabilities who wish to apply.

PD-1.05 Selections From the Section 8 Waiting List

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

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

E. PUBLIC NOTICE AND INVITATION TO OWNERS

- φ. Solicitation to Owners

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

Solicitation to owners shall be made in accordance with the applicable HUD guidelines. The Housing Agency shall prepare and distribute owner’s fact sheets and owner’s briefing packets with explain the basic program requirements and owner benefits to participating in the Section 8 rental assistance program. The Section 8 staff shall prepare maps that

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

γ. Contacts with Organizations

The Housing Agency shall periodically:

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

F. ELEIGIBILITY CRITERIA

1. Family Qualification for Rental Assistance

All applicants must qualify under the following factors of eligibility. This includes family's ability the Housing Agency's/HUD's definition of a family; document US Citizen; U.S.

national or eligible immigration status; have income at or below 50% of median income; not owe the Housing Agency or any other HA monies as a prior Section 8 participant; within the past 3 year no participation in drug-related or violent criminal activity; provide all applicable certifications and documentation.

2. Family with Outstanding Balance Owing

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

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

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

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

λ. Prior Termination from Section 8 Program

The Municipality of Naguabo Housing Agency may deny assistance to the applicant if

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

μ. Disposition of Assets

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

- v. The Municipality of Naguabo Housing Agency will obtain the family's certifications as to whether any member has disposed of assets for less than fair market value during two years preceding effective date of the certification or re-certification.
- o. If the family certifies that they did dispose of assets for less than fair market value, a certification that shows: (a) all assets disposed of for less than Fair Market Value; (b) the date they disposed of the assets; (c) the amount the family received and (4) the assets' market value at the time of disposition.

PF-1.00

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

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

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

PF-101 Definition of Family

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

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

a. Two or more persons regularly living together in a stable family-type relationship, who will live together in the Municipality of Naguabo Housing Agency -assisted housing.

b. The term "Family" also includes, but is not limited to:

- *A family with or without children;*
- *A elderly family;*
- *A disable family;*
- *A displaced family;*
- *The remaining member of tenant's family; Two or more elderly or disable person living together or one or more elderly or disable persons living with one or more live-in aide.*

c. A child who is verified a being "temporarily absent" from the home due to placement in foster care shall be considered when determining the family composition and family size.

2. Head of Household

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

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

A family may designate en elderly or disabled family member as head of household

solely to qualify the family as an elderly household, provided that the person is at least partially responsible for paying the rent.

3. Applicable Definitions

For proper application of the rule governing Restriction on Assistance to Non-citizens¹, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, and would have to be divorced. It includes the partner in a common law marriage. The term “spouse” does apply to boyfriends, girlfriends, significant others, or co-heads.

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

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

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

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

PF-1.02 Eligible Single Persons

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

PF-1.03 Income Limitations

At the time of issuance of the voucher to a family from the waiting list a family's gross

annual income must not exceed the Low Income (i.e., 80% of area median income) limit. In addition, the family, when first admitted, must select a unit in an area in which the family meets the income limit for the housing choice voucher program.

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

PF-1.04 Procedure for Projecting Unstable Income

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

- (1) Require family to bring income information for the most recent 60-day (eight-week period) preceding the date of certification.
- (2) Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 112 month period.
- (3) Combine the income from this period with the income from the prior period to establish a new baseline weekly or monthly figure
- (4) Recalculate the UP and determine need for additional interim re-exams.

PF-1.05 Housing Agency Policy Governing Verification of Zero Income

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

- 1) Head or co-head of household must complete a Family Economic- Sufficiency Form. This form will inquire as to how the family is currently covering living expenses such as utilities, food, clothing. etc.

- 2) Review the family information to evaluate possible participation in programs such as TANF, unemployment, etc.
- 3) Pose questions to the family intended to probe for unreported income and to clarify any discrepancies.
- 4) Have the head or co-head complete the following verification forms, even if they represent they do not receive income from these sources:
 - (i) Food Stamp verification form
 - (ii) TANF verification form
 - (iii) Un-employments benefits verification form
 - (iv) Any other verification form that appears to fit the family's profile.

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

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

If family generally disputes the information provided by the third party the Section 8 staff is to seek farther clarification by phone with the third party. The information provided by the third party is to prevail. The family will be offered the opportunity for an informal review of any decision reached based upon the third party information if the family feels that the Housing Agency's decision has an adverse effect. The decision of the bearing officer will prevail.

PF-1.06 Social Security Reporting Requirements

Families are required to provide social security numbers for all family members age 6

and older, If the have been assigned a social security number (SSN), as a condition of initial and continued eligibility.

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

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

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

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

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

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

10. Military Identification card

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

PF-1.07 Section 214 Declaration

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

σ. In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contest their status. Eligible immigrants are persons who are in one of the six immigrants as specified by HUD.

- a. Mixed Families. A family is eligible for assistance as long as at least one member is citizen or eligible immigrant. Families that include eligible and ineligible individuals are called a mixed family. Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.
- b. No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an

opportunity for hearing.

- c. Non-citizen students. Define by HUD in the non-citizen regulations are not eligible for assistance.

1. Section 214 verifications will be accomplished as follows:

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

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

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

Assistance will be denied or terminated when:

- Declaration of citizenship or eligible immigration status is not submitted by the specified deadline or any extension;
- Required documentation is submitted but INS primary and secondary verification does not verify immigration status and family does not pursue INS or PHA appeal;

or

- Required documentation is submitted but INS primary and secondary verification does not validate immigration status, and INS or PITA appeal is pursued but decision(s) are rendered against the family

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

- An explanation of why the financial assistance will be denied or terminated;
- Notification that the family may be eligible for prorated assistance if it is a mixed family;
- Procedures for requesting temporary deferral or promotion of assistance for currently assisted families;
- Family's right to appeal the results of the secondary verification to the INS and;
- Family's right to request an informal hearing from the PHA in lieu of an INS appeal or after an appeal.

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

PF-1.08 Other Criteria for Admission

1. Applicant must have paid in full any outstanding debt owed to any PHA for public housing, Section 8 voucher or for any previous tenancy under the 1937 Housing Act or any other federally assisted housing program.
2. Applicant must have left any previous tenancy under the Section without being in violation of a family obligation under its Housing Voucher, (unless there was good

cause) within the five-year period preceding the date of application for assistance.

3. No Family member has committed:

(i) Fraud

(ii) Bribery; or

(iii) Any other corrupt or criminal act in connection with any federally

assisted housing program in the five-year period preceding the date of

application for assistance.

4. Family has not breached a pre-existing agreement to repay the Housing Agency for monies owed as a prior program participant. If there are any monies due and owing the Housing Agency the family must make full payment of the debt prior to being issued a voucher. Failure to do so is grounds for denial of assistance.

5. No family member to occupy the assisted unit is an employee of the Housing Agency or governing body who make policies or decisions relating to the operation of the Section 8 program unless HUD has granted a written waiver.

PF-1.09 Family Suitability

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

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

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

Section 8 staff is prohibited from considering suitability factors, such as those described

below, when determining family eligibility for Section 8 rental assistance:

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

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

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

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

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

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

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

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

PF-1.11 Informal Review Procedure for Applicants

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

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

G. DETERMINATION OF FAMILY INCOME AND FACTORS OF ELIGIBILITY

1. Application for Admission.

The Housing Agency shall determine eligibility for Section 8 rental assistance in accordance with criteria established by HUD and the Municipality of Naguabo Housing Agency. In so doing, the Housing Agency shall require every applicant to complete and sign an application

prescribed by the Rousing Agency, as well as applicable verification consent forms.

2. Determination of Annual Income

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

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

3. Verification of Factors of Initial Eligibility and Tenant Rent

To document program eligibility, preference razing, dwelling si2e and rent to be paid, the information submitted on the application for admission shall be independently verified. Program verification used shall be valid for a period of 60 days prior to ad Program verifications used for annual re-exams shall be valid for a period of 120 days prior to the effective date of re-examination of family circumstances.

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

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

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

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

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

4. Verification of Annual Income

Anticipated income is a prime determinant of an applicant's eligibility for participation and their level of assistance. Annual income means income from all sources received by the head and spouse (even if temporarily absent), and by each additional member of the family, including all net income to be derived from assets for the upcoming 12-month period. Annual income will be determined based on appropriate third party verification. Income eligibility is established by comparing annual income to the HUD-prescribed maximum income limit.

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

5. Record of Family

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

6. Misrepresentation of Family Circumstances

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

7. Determination of Illegibility

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

8. Suspension of Voucher Issuance

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

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

9. Removal from the Tenant-Based Assistance Waiting List

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

PG-1.00 Policy and Procedures for Verifying Factors of Eligibility

Verification of income and asset information are required to determine eligibility for admission and continued assistance. All of the family's written representations which affect

the family's eligibility or rent must be verified by the Housing Agency's Section 8 Admissions staff.

Written inquiries will include:

- Statement of the purpose for requesting family data and
- Statement signed by the applicant to permit the source to release information family data.

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

Family may be required to sign verification consent forms for:

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

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

Tenant files will contain documentation of all required verifications

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

household on the application for housing assistance will normally be considered sufficient verification for family composition consistent with the Housing Agency definition of family.

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

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

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

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

Three verification process during the time of application, interim reexamination and annual Re-examination is a critical task in the administration of the Department of Housing and

Urban Development (HUD) assisted housing programs. This task requires Public Housing Agencies (PHA's) to verify factors that affect the determination of an applicant/participant to provide and disclose information that is true and complete, which is necessary in the administration of HUD's assisted housing programs. The Housing Agency of the Municipality of Naguabo is committed to insure that all applicants and participants information if verified for accuracy and completeness.

In the event that the independent source fails to respond to oral verification request, the Agency will then contact the independent source by a personal visit to obtain the verification.

Upon receipt of the information, the Agency must document in the family file, the date and time information was received along with the name of the person and title that provide the information.

EXEPTIONS TO THIRD PARTY VERIFICATION REQUIREMENTS:

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

PG-1.01 Verification of Handicap/Disability Status

To ensure compliance with the non-discrimination provisions of 4, Fair Housing

Amendments Act of 1986 and Section 504 of the Rehabilitation Act of 1973, the Housing Agency will implement the following procedures when verifying a family's representation that the head or co-head/spouse is handicapped or disabled for 12 months or more.

a. Such verification will only occur when the head/co-head has indicated in writing that a family member is handicapped or disabled and the family feels that such status entitles them to special deductions and/or special assistance in locating suitable units or preference in tenant selection.

b. Person(s) who receives Supplemental Security Income Disability Payments (SSI) or Social Security Disability (SSD) benefits will be determined handicapped/disabled and no further verification will be required.

c. No family/family member will be required to attest to nor establish their ability to live independently as a condition of initial or continued eligibility for assistance.

d. If the individual with a disability has been recently de-institutionalized or states they are otherwise disabled, but is not receiving SSI/SSD, verification from a trained professional (i.e., doctor, therapist,) that the named person meets HUD's definition of handicap or disability will be adequate verification. Section 8 staff will provide the third party with a certification from containing the HUD definition.

PG-1.02 Form 9886

The HUD Form 9886, Authorization for the Release of Information/Privacy Act Notice, must be executed by all adult household members (and spouse regardless of age) age 18 and older. This form must be completed for each initial certification and annual re-certification.

If the family undergoes an interim re-exam and there is a family member who has since the last certification attained age 18, this household member will be required to complete the Form 9886 as part of the interim re-examination.

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

Note: The Consent form expires 15 months after date signed

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

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

H. ELIGIBLE FAMILIES

Voucher

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

Declared Emergencies

In the event of an emergency declared by resolution of the Municipality of Naguabo Housing Agency Board of Directors, the waiting list for Section 8 Housing Choice Vouchers may be by passed. Under such circumstances, voucher may be provided to current residents of public housing (or other forms of asisted housing owned by the Municipality of Naguabo

Housing Agency) to families who meet the qualifications for participation in the Section 8 Housing Choice Voucher program. This housing assistance shall be provided solely for the purpose of relocating such families residing in the housing units specified in the Emergency Declaration to other housing units that meet all Section 8 program requirements.

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

Preference in Selection of Eligible Families

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

- 1. *Involuntarily Displacement (Disaster Government Action, Action of Housing Owner, Inaccessibility, Property Disposition).***
- 2. Families that will be broken up due to removal of young children by the State Family Department or families that will be reunited the return of the children but do not have decent housing.**
- 3. Victims of Domestic Violence (VAWA)¹**

Implementation of the Violence Against Women (VAWA)

The Municipality of Naguabo prohibits the eviction of, and removal of assistance from, certain persons living in Section 8-assisted housing if the asserted grounds for such action is

¹ Accordance with the Public law 109-162 was signed into law on January 5, 2006. Section 603 of law amends Section 5A of the U.S. Housing Act (42U.S.C. 1437C-1) the Municipality of Naguabo implements policies or programs to support, protect and assist victims of domestic violence, dating violence, sexual assault or stalking, including the possible portability of voucher between jurisdiction to escape an imminent threat of further domestic violence of stalking.

an instance of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA.

Accordance with the Public Law 109-162. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 U.S.C. 1437c-1) The Municipality of Naguabo implements goals, activities, objectives, policies, or programs to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Sections 606 and Section 607 amend the Section 8 and public housing sections of the U.S. Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims' immediate families – from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim.

The regulations requires that PHA, must notify tenants of their rights under VAWA, which includes the existence of the HUD form and the right to confidentiality and limits there of. In doing so, PHAs may make the certification form available to all eligible families at the time of admission. Also, in the event of a termination or start of an eviction proceeding, PHAs may enclose the form with the appropriate notice and direct the family to complete, sign and return the form (if applicable) by a specified date. PHAs could also include language discussing the VAWA protections in the termination/eviction notice and request that a tenant come into the office to pick up the form if the tenant believes the VAWA protections apply. All information provided to a PHA, Section 8 Staff or an owner relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, or stalking, must be retained in confidence by the PHA or owner, and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is (i) requested or consented by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or, (iii) otherwise required by applicable law.

The Municipality of Naguabo must also notify owners and tenants of their rights and obligation under VAWA.

Also, because Section 606 of VAWA requires the issuance of a “HUD approved certification form” for victims of abuse to use in the event that a PHA or Section 8 owner requests (as they may under the Act) that a victim of abuse certify that the alleged incidents of abuse are bona fide, PIH is developing such a form, and additional information about the form will be forthcoming. In the interim, PHAs, owners, and managers are encouraged to accept other types of certifications from alleged victims.

Exception (s) to the Granting of Local Preference in Tenant Selection

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

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

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

5. Notice of Denial of a Preference

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

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

PH-1.OO Issuance of Housing Choice Vouchers

1. Tenant Selection

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

The Housing Agency, in deciding better to admit the applicant/family, will not discriminate on the basis of age, race, color, religion, sex, national origin, disability, whether the family has children, whether family members are unwed parents, recipients of public assistance, or children born out of wedlock. The Housing Agency cannot adopt a preference in tenant selection for higher income families over lower income families. [24 CW §9822 C)2 (b).

2. Family Briefing

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

3. Expiration and Extension of Voucher

The term of the Voucher shall be as outlined In 24 CFR 982.303, as amended. The initial term of the voucher is 30 days. As a reasonable accommodation for a family where the head or spouse is disabled.

The Housing Agency will initially grant a family the full 60 day term, as an added

reasonable accommodation. A disabled family may hold such form of assistance for more than 120 days term as a reasonable accommodation where supported by documentation that the families inability to secure approved housing within the 120 day was directly related to a family member's disability.

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

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

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

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

make new application for assistant.

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

5. Family Absence From the Unit

Family may be absent from the assisted unit for up to 30 consecutive days without written notice to the Housing Agency.

If the family expects to be absent in excess of 30 consecutive days the family must advise the Housing Agency in writing of the anticipated term of absence and the reason. The Housing Agency may allow the family to be absent from the unit for up to 90 consecutive days with continued assistance on good cause shown. If there is no family member remaining in the unit after 90 consecutive days the Housing Agency will commence the process of terminating housing assistance payments to the owner upon written notice to family and owner. Should the Housing Agency become aware of a family's extended absence from the assisted unit and the family has not received written approval of the Housing Agency the housing assistance may be terminated sooner than 90 days upon written notice to family and owner. A waiver to this part can be granted at the discretion of the Housing Agency's Manager for periods exceeding 90 days but for no more than 180 days (24 CFR §982.312).

I. SUBSIDY STANDARDS (24 CFR §982.4021)

In issuing the choice voucher to ark eligible family, the Housing Agency shall determine the number of bedrooms to be placed on the housing choice voucher for families of different size and composition.

These standards are developed for the purpose of determining the voucher size that will best meet the family's needs at the lowest cost to the government.

1. In establishing the subsidy standards the Housing Agency shall:

- a. Consider the smaller number of bedrooms needed to house the

- family without overcrowding;
- b. Assign a subsidy standard that does not require more than two persons to occupy the same
 - c. Include every member of the family, regardless of age, including a child who is temporarily absent due to placement in foster care;
 - e. Consider a single pregnant woman with no other faintly members as a two-person family
 - f. Consider an approved live-in aide for a qualified family;
 - g. Not assign a subsidy standard that requires parent(s) to share a bedroom with a children(s);
 - h. Not require children of the opposite sex to share bedroom as long as one child is age six (6) or older.

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

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

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

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

PI-1.00 Subsidy Standard for Issuing Vouchers

The Housing Agency will use its subsidy standards to determine the voucher that appears to best meet the families need for housing while maximizing the use of the space and minimizing the cost to the government. The adopted standards will be consistent with the HQS space standards fiat are intended to avoid overcrowding. The family, at its option, may

select a unit with fewer bedrooms than stated on the vouchers if it does not require more than two persons per sleeping room. This usually results in a lesser payment standard and reduced subsidy.

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

P1-1.01 Fair Housing Impact.

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

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

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

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

P1-1.02 Factors to be Considered

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

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

1. Children away at school who are listed as family members will:

a. Also be included when determining the applicable family subsidy standard; and

b. Any other family members who are temporarily who are temporarily absent.

2. A single person household may be assigned a one bedroom voucher.

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

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

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

a. Generally, unit size selected would not result in more than two persons per sleeping room under the voucher program (including the living room).

b. For a voucher-bolder the Payment Standard used to establish subsidy would be based on the lesser of the voucher size or the actual unit size selected by the family.

c. When a family must pay some or all of their own utilities directly to the utility supplier the utility allowance to be used will always be used will always be based on actual unit size selected by the family.

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

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

a. Medical reasons;

b. Additional household members due to birth, adoption, court-awarded custody, marriage; and

c. Addition of a live-un aide.

Any request for an exception must be made in writing with the appropriate supporting documentations:

PI-1.05 Live-In Aide Policy

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

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

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

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

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

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

There is no prohibition against a related family member acting in to capacity of a live-in aide.

The relative must meet the same criteria and the same third party is required. When a

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

If the live-in aide has other family, members they wish to occupy the unit, the Housing Agency shall grant such approval if the addition of the live-in aide’s family members does not result in a larger voucher size (i e., increased subsidy) and the occupancy by th;3 voucher-holder with the live-in aide and live-in aide’s family members will not result in overcrowding (i.e. more than 2 persons per sleeping room).

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

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

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

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

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

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

P1-1.06 Exceptions to the Established Subsidy Standards after Subsidy Payments (HAP) have begun (i.e. Participant Status)

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

1. If there are/will be changes in the household size the voucher size will automatically be adjusted based upon the established subsidy standards and the current/projected family composition.

2. The participant/family may request a different voucher size between regularly scheduled re-exams due to changes in the family size which would result in more than two persons per sleeping room

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

(i) adoption

(ii) births

(iii) court awarded custody

(iv) foster child care

(v) need for live-in aide

(vi) disability of a current household member

(vii) adult children/other family members wishing to join family already in occupancy.

J. FINDERS'S KEEPERS POLICY

Upon receipt of a Housing choice Voucher, the family shall be responsible for finding a unit of appropriate size that meets the HQS prior to expiration of the Voucher. The family may select the unit which it currently occupies if the unit meets the HQS and is determined to be rent reasonable and the owner is willing to execute new leasing documents under the Section 8 program. The Housing Agency may provide assistance in finding units for those families

who, because of age, handicap, or other reasons are unable to find a unit a ad may provide assistance in cases where the family alleges that discrimination is preventing it form finding a unit. Any such assistance shall be in accordance with the Housing **Agency's Administrative Plan and Procedures** and shall not directly or indirectly reduce the family's opportunity to choose among available units. Section 8 housing choice voucher assistance may not be utilized for dwelling units receiving Section 8 project-based assistance as this constitutes duplicative assistance.

K. PORTABILITY (24 CFR 982.354)

The provisions for portability of vouchers shall be as outlined in 24 CFR §98Z354, as amended. If neither the head nor spouse resides in Naguabo at the time of application they must initially lease a unit in Naguabo before they can exercise their right of portability. The Housing Agency limits family moves to not more than one in any twelve month period under portability.

The Housing Agency will deny permission for family to exercise portability as cited in 24 CFR 982.314(e) (1) in the event that the Naguabo Housing Agency does nor have sufficient funds to pay higher subsidy in another jurisdiction and the receiving HA not absorb the family into their program.

PK-1.OO Portability of Housing Choice Vouchers

For any family wishing to exercise portability an individual briefing session will be scheduled. Vouchers are portable as the result of various statutory and regulatory provisions. Participating families will be advised during both the initial and annual reexaminations briefing sessions of the portability provisions.

The Municipality of Naguabo Housing Agency Will provide a list of neighboring PHA's

with the name, address and telephone number of a portability contact person at each.

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

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

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

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

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

L. FAMILY'S RIGHT TO MOVE (24 CFR 982.314)

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

- the assisted lease for the old unit has terminated;
- the owner has given the tenant a notice to vacate or has commenced an eviction action, or has obtained a court judgment or other process allowing the owner to evict the family-,
or

- The family has given notice to the owner and the Housing Agency of their intent to terminate the lease.

In order to move with continued assistance, the family must initially occupy an assisted unit for 12 months before terminating the lease with the owner unless there is (a) good cause. Good cause may include, but is not necessarily limited to owner's failure to provide services under the lease, or (1,) mutual agreement by the owner and tenant to terminate the lease.

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

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

M. OWNER OBLIGATION TO SCREEN FAMILIES (24 (ER §982.307)).

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

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

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

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

N. RENTAL AGREEMENT/LEASE APPROVAL [24 CER 982.308]

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

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

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

PN-1.00 Housing Representative's Role in Leasing

The Housing Representative is to ensure that all activities and required forms for

establishing the assisted tenancy are properly and timely executed. This includes the review and approval of forms provided by the Housing Agency and/or the owner.

PN-1.010 Review of Owner's Form of Lease

The Housing Representative is to review the owner's form of lease against the prohibited lease provisions in the HUD tenancy addendum. Any prohibited lease provision must be struck in red ink from the owner's lease and the owner must initial and date the change.

The owner is to be advised of their additional obligation to comply with material terms and provisions of the Louisiana State Landlord-Tenant laws, including laws prohibiting discrimination in the sale, rental or financing of housing.

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

- a. Initial term of tenancy of one year with a start and end date or 12 months.
- b. Automatic renewal with defined successive term of month-to -month, year to year, etc.
- c. Amount of rent due under the lease stated as the tenant rent calculated by the Housing Representative.
- d. Amount of security deposit in an amount not to exceed one month's contract rent or the deposit charged by owner for their other unassisted units, whichever is the lesser.
- e. Required provisions of HUD's Section 8 Tenancy Addendum dated March 2000.

0. TERM OF ASSISTED LEASE [24 CFR §9S2309J

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

The tenant family can terminate the lease at any time after the initial term of the lease. The tenant family must provide written notice of termination to the owner, pursuant to the

lease, with a copy to the Housing Agency. The tenant cannot be required to give more than 60 days notice to the owner. (24 CFR §982.309(b)).

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

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

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

Grounds for owners to terminate the lease include, but is not limited to: criminal activity by the tenant any member of the tenancy's household a guest, or any other person under the tenant's control that involves drugs or other criminal activity threatening the health, safety, or right to peaceful enjoyment of their residence by persons residing in or near the tenant's residence, [24 CFR§982.310].

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

Other good cause generally includes, but is not limited to: the family's failure to accept a new or revised lease; a family's history of disturbance of neighbors or destruction of property the owners desire to use the unit for personal use or for a purpose other than as a residential rental unit or a business or economic purpose, such as the owners desire to lease the unit at a higher rent. During the first year of the lease, the owner may not terminate for other good cause unless it involves a family lease violation. [124 CFR. §982.3 10].

P0-1.00 Assisted Tenancy

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

PO-1.01 Initial and Successive Lease Terms

The Housing Representative must review the owners for less than the full rent due on the unit. The Housing Representative must also ensure that the assisted lease provides for automatic renewal (e.g., month to month or year to year) after the initial term.

P. HOUSING AGENCY POLICY GOVERNING APPROVAL OR DISAPPROVAL [24 CFR §982306)

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

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

[24CFR&98 306(a)-(b)}.

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

(1) Violation of owner's obligations under any Section 8 contract;

(2) Fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

(3) Drug trafficking (based on a preponderance of evidence);

(4) Owner's history of non-compliance with the HQS or other applicable housing standards,

(5) Owner's history or practice of renting units which fail to comply with state or local housing codes; and/or

(6) Owner's failure to pay state or local real estate taxes, fines, or assessments.

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

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

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

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

1. Calculation of Tenant Rent and Subsidy

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

2. Establishing and documenting of Owner's Rent

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

The Housing Representative must execute a rent-reasonableness certification at initial occupancy; whenever the owner submits a request for an increase in contract rent; and when there is a decrease in FMRs of five percent (5%) or more in the 604 y period preceding the effective date of the rent increase.

3. Timing of Payments

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

For new contracts, the Housing Agency shall make assistance payments to the owner as of the effective date of the Housing Agency-approved lease; in some instances this may result in a retroactive payment of HAP. The Housing Agency will make every effort to execute the HAP contract with the owner as of the start of the lease term.

The Housing Agency has up to 60 days from the date of the approved lease to execute the HAP contract. An owner is entitled to full payment of the HAP as of the approved lease date. However, if Housing Agency and owner do not execute the HAP contract within 60 days of the lease effective date, the lease between owner and tenant shall be voided and no housing assistance payments will be made. [24 CFR§982.305(c)].

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

After the initial payment for a contract has been received the owner shall continue to receive monthly payments between the first and tenth working day of each month that the family occupies the unit as a Section 8-assisted family. The Municipality of Naguabo Housing Agency use the direct deposit method.

4. Additional Payments

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

If the family is approved to lease another unit during the same month, the Housing Agency will make a pro-rated payment to the new owner. In short, a family may be approved for two assistance payments for two different units in the same month and such payments are not considered duplicate assistance (24 CFR. §982.311(4))

5. Special Claims

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

R. CHANGING THE VOUCHER PAYMENT STANDARD (24 CFR-982.503)

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

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

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

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

In the event the even that funding levels are insufficient to continue supporting assistance to families, the Naguabo Housing Authority Agency will analyze cost to the program, burden to participating families, burden to participating landlords and overall social economic impact in the communities. In its analysis the Naguabo Housing Agency determines that funds levels are to low it will attempt a, to lower its payments standards Ito a tolerable 90% of FMR levels of funding. The Naguabo Housing Agency will make every available effort to continue assistance at an adequate level of assistance to include lowering its payment standards below 90% of FMR as an intent to avoid terminations of HAP contracts

in accordance with HUD requirements as stated in 24 CFR 982.454.

1. Changes in Application Payment Standard

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

2. Adjustment to Initial "Rent to Owner"

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

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

a. Move with continued voucher assistance;

1. Continue in occupancy with the owner under a non-assisted lease agreement (and absent voucher subsidy).

S. SECURITY DEPOSITS [24 (YR §982313)]

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

units must be established at the same amount.

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

T. CONTINUED ELEGIBILITY INCOME ADJUSTMENT

A family's eligibility for Section 8 Voucher Assistance (HAP) continues if the family meets the requirements governing eligibility until (1) the Total Tenant Payment equals the Gross Rent for the dwelling unit occupied under the Housing choice voucher Program or (2) until 30% of the family's monthly adjusted Income equals or exceeds the applicable payment standard under the Voucher Program; or (3) 10% of family's monthly income equals or exceeds the actual rent plus any allowance for tenant-paid utilities. Payments under both programs can be reinstated if the family income drops.

However, if no payments are made for a period of 180 days (6 months), the HUD contract automatically terminates. [24 CER §982.455]

Termination of rental assistance at such point shall not affect the family's other rights under its lease Agreement nor shall such termination preclude resumption of payment as a result of subsequent changes in income or rents or other relevant circumstances during the six month term.

The family must pay the full contact rent when HAP is reduced to zero, and the assisted lease between the owner and tenant automatically terminates.

PT-1.00 Interim Reporting Policy and Procedures

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

1. The tenant must report all changes in the household composition.

a. If a household member vacates the unit and is considered by the family to be permanently absent or

b. A new person is proposed to move into the unit.

2. The tenant may report any of the following changes which would result in a decrease in the tenant's rent:

a. Loss of income;

b. Increase in allowable expenses (i.e., child care, handicapped assistance, medical).

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

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

i. Fraud

ii. Failure to participate in a required work activity

iii. Failure to participate in a required economic self sufficiency activity.

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

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

3. A new source of income and/or unreported increases in income (where required by this policy) that remains unreported for more than 30 days, will be considered a program violation resulting in a retroactive increase in tenant's rent. A family with a retroactive increase may be, however, for a repayment agreement. A family cannot, however, enter into multiple payment agreements with the MAHA which may result in a requirement of full payment of the amounts owed.

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

1. For families where Housing Agency personnel made an error at admission or reexamination an interim re-exam will be conducted upon notice by the Municipality of Naguabo Housing Agency. The family will not be charged retroactive for an increase in TTP; however, any decrease in tenant's rent will be made retroactive.
2. For families who report a temporary loss of income and the income is expected to be fully restored within 30 days the Housing Agency will not perform an interim re-exam. Staff must receive 3rd party written verification that the income is expected to be fully restored.
3. For families whose rent has been based on false or incomplete information supplied by the applicant or resident an interim re-exam will be conducted upon notice by the Municipality of Naguabo Housing Agency. Any increase in TTP will be made retroactively.
4. Notice to the Housing Agency of family income discrepancies through HUD's Tenant

Assessment Sub-System (TASSS) will require performance of; an interim re-exam.

PT-1.03 Forms Used for Interim Reexaminations

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

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

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

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

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

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

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

1. Increase in the Tenant's Rent will be made effective on the first of the month following the

30-day notice of rent increase.

2. Decreases in the Tenant's Rent will be effective the first of the month following the month the change occurred.

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

PT-1.06 TIMING OF NEXT ANNUAL RE-CERTIFICATION

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

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

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

The staff shall:

- 1) Send initial notice to re-certify with scheduled appointment date/time 90 days prior to the effective date;
- 2) Send a second notice with 60 days prior to the effective day;
- 3) Send 30-day notice (Remembering) of intent to terminate for non-compliance with terms of the voucher if the family has failed to respond to first and second notices. However third notice must be sent at least 30 days prior to anniversary date. Third notice serves as the 30-day

termination notice and shall be sent to both the tenant family and owner with reason(s) for proposed termination and family's right to request an informal hearing.

4) If family schedules appointment during the last 30 days Section 8 staff is to process the re-certification. Any changes in tenant's rent will be subject to timing described at §1.04 (Le. tenant penalty for untimely reporting).

5) If family does not participate in re-exam interview by the scheduled effective date Section 8 staff will follow normal termination of assistance procedures.

U. REGULAR (ANNUAL) RE-EXAMINATION OF FAMILY'S INCOME AND CIRCUMSTANCES. (24 CFR §882.212/882.515)

1. Annual Re-examination

Re-examination of a family's income and composition shall be made at least annually. If at the time of admission or re-examination, a family's income cannot be reasonably determined for the upcoming 12 month period, the Housing Agency shall require the family to comply with its 30, 60 or 90 day re-exam schedule,

2. Re-determination of Total Tenant Payments and Housing Assistance Payment

The Housing Agency shall make an appropriate re-determination on the amount of Total Tenant Payment and amount of the Housing Assistance Payment. Written Notice of Tenant's Rent and HAP will be provided to both the owner and tenant with a copy to the tenant's file.

3. Termination of Payments

Termination of Housing Assistance Payments due to a determination of a family's income shall be in accordance with applicable HUD guidelines.

4. Changes in Family Size and Composition

Changes in family composition that result in a change in family unit size (i.e., "voucher size") will result in issuance of voucher with a different unit size only at the time the family moves, or

at the time of the regularly scheduled annual reexamination of family circumstances.

5. Disclosure and Verification of Social Security Number

At re-examination, the family shall be required to disclose and verify Social Security Numbers for any family member age 6+ who has been assigned a social security number since the last certification or re-certification, outlined in 24 CFR 5, as amended.

6. Evidence of Eligibility for Assistance Based on Citizen or Eligible Alien Status

Each family member, regardless of age must submit a declaration of status as a U.S. citizen or a U.S. national or evidence of eligible immigration status, as defined at Section 214 of the U.S. Housing Act of 1980, and as amended in the Immigration Reform Act of 1996.

For citizens or nationals, all that must be submitted is a signed declaration of citizenship. Non-citizens age 62 and older, as of 6/1 9/95 must submit a signed declaration of eligible immigration status and proof of age. Other non-citizens must submit a signed declaration of eligible immigration status, proper documentation, and a signed verification form. Adults must sign their own forms. An adult residing in the assisted housing unit who is responsible for the child must sign applicable forms for children. [24 CFR §5)

The Housing Agency will conduct verification of eligible immigration status when other aspects of eligibility for assistance are being verified. The primary method for verification will be the use of the computerized verification system administered by the U.S. Immigration and Naturalization Service (INS).

[24 CFR §51).

Housing assistance may be denied or terminated to an applicant or recipient in accordance with 24 CFR 5). An applicant household will have their assistance delayed or denied until at least one continuing family member has established eligibility as a U.S citizen, U.S. national or an eligible immigrant if all other factors of eligibility have been confirmed the family may be granted a 30 day extension to comply with the Section 214 provision, as

amended. If the family fails to comply within this 30 days period the family will be determined ineligible for housing assistance and their HAP will be terminated.

Section 214 Compliance is a one-time requirement for each family member and is only implemented at re-exam for new family members.

Denial or termination of assistance to an applicant or participant's family can be appealed to the Housing Agency consistent with Section Y and with the INS k. accordance with 24 CFR 5 subpart F.

FU-1.OO Income Determinations

The gross annual income of the family is used to determine income eligibility and Total Tenant Payment, including sources of Income as described at 24 CFR §5, and as periodically revised by HUD.

a. Income of Minors (Family members age 17 and younger)

Only certain sources of income to a minor will be included when determining the family's gross annual income. Such income includes benefit income of a minor such as social security, TANF, or any unearned income of a minor (including interest on a savings account).

None of the earned/wage income of a minor will be included.

b. Income of Full Time Students

The Housing Agency will only include the first \$480 of earned income of a full-time student age 18 and older.

If the student receives grant or scholarship income the Housing Agency will not include any of the educational benefit income in calculation of annual income. In no case will the Municipality of Naguabo Housing Agency include student loans as income to the household no matter how the loan will be expended.

c. Income of Temporarily Absent Family Members

Family composition is a self certification by the head/co-head of household. It is the

policy of the Housing Agency to include:

1. Income of all persons expected to reside in the unit in the upcoming 12 month period.
2. If one or more family members will be absent from the unit for any portion of the 12 month period covered by the certification they will be considered a temporarily absent family member.
3. The absent family members income will be included for the full 12 month period even if the income will not be available to the household for the period of time they expect to be absent.
4. If the absent family member is the head or spouse their full income will be included as income to the household even if they are not expected to occupy the unit or to be listed on the lease.
5. If the head or spouse is permanently absent from the household the Housing Representative may require verification.

Acceptable forms of independent verification will include:

- Legal separation papers
- Divorce decree
- Evidence of institutionalization and
- Document from Department of Human Services identify current household members.

Dependent upon the circumstances the Housing Agency may consider other forms of verification that the family member is no longer a "member of the family".

In the absence of acceptable verification, the Housing Agency will continue to include the income of the absent family member as if they were only "temporarily absent".

d. Income of a Confined Family Member

If a family member has been permanently confined to a hospital or nursing home the Housing Agency will not include the income of this family member as income to the household, nor will the Housing Agency compute allowances/deductions for a permanently

confined household member.

When the confined family member's income is excluded, the confined family member must not be listed on the assisted lease agreement between the owner and tenant family. The permanently absent family member's name can be removed from the existing lease. No new lease is required.

e. Regular Recurring Cash Contributions or Gifts

The Housing Agency will include as income only those cash contributions that the family expects to receive on a regular recurring basis, Staff may use credit report to determine the potential for such recurring gifts, in addition in signed statements by donors or affidavits by the recipient If an adult family member "barter" their labor for goods rather than monetary compensation the Municipality of Naguabo Housing Agency may establish a cash value for the personal service and use it as income to the household.

Non-cash gifts such, as groceries will not be included.

f. Net Income from a Business (or Profession) or From Rental of Real or Personal Property

The net income from a business 'or from rental of real or personal property will be included as income to the household.

Section 8 Staff will calculate the net income from a business by deducting from the projected gross income the following expenses: straight-line depreciation, the interest portion of loan payments, and all other expenses of the business which are routine expenses of the business, and not related to business expansion or capital improvements.

If there is evidence that the family withdraws cash or assets from the business these withdrawals will be included as income to the household unless there is verification that the withdrawal is specifically for reimbursement of mounts the family invested in the business.

Verification of business expenses to be deducted from the gross income of the business will be in keeping with requirements stated at Exhibit (Statement of Acceptable

forms of verification).

Adult family members engaged in the operation of a business or profession will be subject to a 90 day re-exam schedule, as deemed appropriate by staff; for purposes of documenting current income. Section 8 staff may require such adults to maintain reports/records of current income (gross receipts) and expenses for the period between the performances of the interim re-exam.

g. Lump-sum Payments to be counted as Income

The Housing Agency will include only two types of lump-sum payments as income to the household. All other lump sum payments will be treated as an asset. The two types of lump sum payments to be included as income are:

- 1) Lump-sum payments for either a delayed start of a period payment (such as delayed payment of unemployment benefits); or
- 2) Lump sum payments for settlement of a disputed claim of what would have been a periodic payment (such as a lump sum payment of back child support).

Where such lump sum payments are received, the Housing Agency, will require repayment on a prospective basis rather than a retroactive basis.

This method will result in an increased TTP over 12-18 month period and allows for the gradual repayment of the monies owed for the period of time that Housing: Agency “carried” the family while they were awaiting the benefit payments.

In the event the family receives a lump-sum payment that includes payment for a period of time that the family was not receiving housing assistance the Housing Agency will not include that portion of the lump sum payment in its prospective calculation in the amounts to be repaid.

h. Policy Governing Alimony and Child Support

A court-ordered decree will serve as third party verification of the amount of alimony

and child support income expected to be received by the family. No other form of verification is required unless the family asserts that they are receiving an amount that differs from the decree. In this instance the Housing Representative must verify the amount which is actually being received; and the family has made all reasonable effort to collect the full amount due, including evidence of filing with courts or agencies responsible for enforcement of the payments due.

If the family is using the services of Legal Aid and there is documentation that the family has made an appointment for the express purpose of pursuing back payments the Municipality of Naguabo Housing Agency will consider this as an appropriate measure for taking “legal” action.

Evidence of filing for enforcement of the child support order with the local Child Support Enforcement Agency (CSEA) it is also considered an appropriate form of action under this rule.

When third party verification cannot be obtained which counters the decree the amount in the decree will be considered as income to the household.

i. Treatment of Military Pay

The military pay of the head of household or spouse, including allowances with the exception of combat/hazardous duty pay, will be included as income to the household, even if the head/co-head or spouse is not listed on the lease.

1. If the absent head/co-head has income from outside jobs (income from assets these income sources will not be counted as income to the family.
2. If the family receives an allotment from an adult child in the military on a regular recurring basis only the amount of the allotment will be included as income and not the full military pay.
3. In instances where the adult child in the military is listed on the lease they will be treated as a “temporarily absent family member” and the full amount of pay, including all regular

allowance, will be counted as income to the household.

4. Verification of the military pay and regular allowances will be solicited first from the unit commander on a form developed by the Housing Agency unless the military requires a different form for verification purposes, in Which case the” military’s form will be used.

If Section 8 staff is unable to receive third party verification (written preferred) a review of documents will be undertaken. The Section 8 staff will document the family file as to why they were unable to receive third party verification. The spouse/co-head must cooperate by providing Section 8 staff with required information such as:

- (a) unit identification/address,
- (b) rank
- (c) serial/social security number

Failure to cooperate will result in a denial of admission or termination of assistance for a participating family.

j. Procedure for Projecting Unable Income

Where a family member has sporadic, yet recurring income such as a business owner or temporary clerical work (i.e., “Kelly-Girl”) the Section 8 staff will include projected income based upon current income and expenses:

1. Place family on a 90-day re-exam cycle;
2. Require family to bring income information for the 12week period preceding the date of certification;
3. Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 12-month period.
4. Combine the income from ibis period with the income from I he prior period to establish a new baseline weekly or monthly figure;
5. Recalculate the TIP and determine need for additional interim re-exams.

PU-1.02 Asset Determinations

Income from assets is to be included as income to the household. Asset income to be included can include either actual or imputed income from assets depending upon the total value of assets effectively owned by the family. Accordingly, the Housing Representative shall establish the cash value of assets held by the family.

Assets to be considered will include the following:

- a. Amounts in savings and checking accounts;
- b. Stocks, bonds, savings certificates, moneymaker funds and other investment accounts;
- c. Equity in real property or other capital investments;
- d. Cash value of trust that are available to the household;
- e. IRA, Keogh and similar retirement savings accounts;
- f. Contributions to company retirement/pension fund;
- g. Assets, which although owned by more than one person, allow unrestricted access by the applicant;
- h. Lump-sum receipts such as inheritances, capital gain, lottery winnings, cash from sale of assets, insurance settlements, Social Security and SSI lump-sum payments and other claims;
- i. Personal property held as an investment such as gems, jewelry, coin collections, antiques cars, etc.;
- j. Cash value of life Insurance policies;
- k. Assets disposed of for less than fair market value during the two years preceding examination or re-examination.

Where there is a dispute over the “effective ownership” of an asset, the Section 8 staff will determine ownership based upon (a) who reports the asset to IRS for tax liability purposes; and (b) who receives the income from the asset as reported to the IRS.

Where the percentage of ownership is legally defined only that portion/percentage of

the cash value of the asset will be included in the calculation of net family assets.

The value of necessary personal property maintained for personal use will not be included in the calculation of net family assets, including but limited to items such as clothing, furniture, jewelry, automobiles, stereo/TV equipment, etc. If family, however, maintains personal property for money-making purposes (i.e., investment purposes) the value of such items will be included in the calculation of net family assets. If there is a question/dispute over whether or not personal property is to be included as an asset the definition/ test will be as follows:

- A. Necessary personal property is not expected to increase in value; and
- B. Necessary personal property is usually “used” by the owner

This would include rental property for investment purposes as an asset to the household. In this instance, the cash value of the rental property and the net rental income will be included as a source of income to the household. If the property is part of an active business, as would be the case of a person where real estate is their main occupation, then the property will be treated as Assets of the business and not as a family asset.

The Section 8 staff will include both current and actual assets the family now holds as well as assets the family has disposed of for less than fair market value (i.e., Imputed assets) in the two year period preceding the date of certification or re-certification.

It is the policy of this Housing Agency to exclude the imputed assets when calculating the net family assets in two instances. First; where the asset(s) were disposed of for less than fair market value as the result of a legal proceeding judgment or, second, when the value of the asset at the time of disposal was less than \$1,000.00.

PU-1.03 Determining Adjusted Annual Income

Adjusted annual income is defined as gross annual income less allowable deductions from Income.

Congress has established the deductions and allowable expenses to be deducted from the gross annual income. Currently, the Housing Agency is implementing the following deductions from income as applicable to each family's individual circumstances:

- a. \$480 dependent deduction
- b. \$400 elderly/disabled household deduction.

Neither of these deductions from income requires third party verification. Eligibility for the dependent and elderly household deduction is achieved through a Section 8 staff evaluation of the family's circumstances and prevailing HUD instructions/definitions.

Allowable expenses, which can be deducted from gross annual income, must be third party verified and include:

- a. Reasonable child care expense
- b. Allowable handicapped assistance expense; and
- c. Allowable medical expense.

PU-1.04 Housing Agency Child Care Policy

Consistent with current HUD instructions at 24 CFR 5 and handbook 4350.3 CHG-1, the MAHA will deduct reasonable child care expense when all of the following is true (and verifiable):

- a. Expense enables a family member to go to work, to school or to look for a job after recently losing a job; (up to 20 hours weekly with documentation acceptable to the Municipality of Naguabo Housing Agency).
- b. In instances where the child care is necessary to allow an adult family member to seek employment, the agency will allow up to 20 hours of weekly child care expense. The family must provide documentation to support both their efforts to gain employment, and the related child care expense. Staff may use receipts or similar forms of verification that are dated for the period of eight weeks preceding the certification.

c. "School" is either academic or vocational and the course of study will result in a degree/diploma or a certificate;

i Enrollment in school is either full- or part-time', in accordance with that institution's definition.

e. Expense is for the care of children in the assisted household who are age 12 or younger (including the cost of care for a foster child age 12 and younger which is not paid/reimbursed);

f. Child care expenses cannot be paid to a family member residing in the assisted unit nor paid (or reimbursed) by an organization or individual outside of the unit;

g. Expense is reasonable in terms of cost and relation ship to eligible activity (as stated in [a] above).

h. Any expense associated with the keeping of children to allow a family member to go to work does not exceed the earnings of the individual who is enabled to work.

i. No adult is available or capable of providing the childcare during the hours required.

PU-1.05 Income Verification Requirements

The Housing Representative will request only that information which is necessary to determine the family's eligibility or level of assistance. For some types of income listed in Appendix I of this plan, appropriate requests for information are combined with the types of verification that are permitted.

In deciding whether to add information to a particular verification request that is not listed below the Housing Representative must ask:

1) Is this information necessary to determine the individual's eligibility for assistance or level of assistance? If the answer is yes, then the Housing Representative may verify that information.

2) If the answer is no, then the Housing Representative may not verify that information.

V. INSPECTIONS OF DWELLING UNIT (24 CFR'982,401)

1. Initial Inspection of Unit

Before approving any Lease Agreement, the Authority shall inspect the unit for

compliance with the HUD Housing Quality Standards, as amended by local code, where applicable. Any such amendments to the HQS will be board adopted.

a. If there are any deficiencies which must be corrected, the Housing Agency shall notify the Owner and tenant of the corrections required. The Housing Agency shall re-inspect the unit to insure that all deficiencies are corrected prior to approving a Lease or HAP Contact.

b. The Authority shall prepare and maintain reports or initial inspections and any required re-inspections. The inspection report shall specify (i) any deficiencies any deficiencies must be corrected; and (ii) any other deficiencies (comments), as a factor in determining the reasonableness of the rent to owner.

2. On-going Inspections to determine if Unit meets HQS

The Housing Agency shall inspect or cause to be inspected each unit at least annually, and at such other times as may be necessary, to assure that the owner and tenant family is maintaining the unit to meet the HQS and providing the agreed upon utilities and other services.

3. Applicability of the HQS occupancy/Space Standard

The HQS Occupancy Standard shall be used as acceptability criteria for space and security requirements. The family unit size on the assigned housing choice voucher shall be established in accordance with the following general criteria:

- (a) parents are not required to share a bedroom with a child (regardless of age)
- (b) children of the same sex are expected to share a bedroom (regardless of age)
- (b) two children of the opposite sex, ages 6 or younger are expected to share a bedroom
- (c) two children of the opposite sex over the age of (are not expected to share a bedroom).
- (d) adults of different generations (e.g., grandmother, mother, daughter) will be assumed to have separate bedrooms
- (e) an unrelated adult such as alive-in aide, is not expected to share a bedroom with a family

member

(f) Elderly or disabled household members (related or unrelated) will be considered for separate bedrooms; and

(g) Spouses or persons operating in a spousal type relationship are expected to share a bedroom.

Exceptions to the above criteria 'will be made, when necessary, for persons with disabilities as a reasonable accommodation under law. For example, a husband and wife could be assigned a two bedroom voucher if there are documented disabilities/medical conditions that necessitate separate bedrooms.

Similarly, a family may actually select a unit smaller than the disabilities family unit size as long as the unit selection will not result in more than two persons sharing a sleeping room (as defined by HUD regulations).

The Housing Agency shall not charge the family or the owner for any inspection performed. (24CFR§982.405)

4. Determination that Unit does not meet HQS

The owner is generally responsible for maintaining a unit in accordance with the HQS, and failure to carry out this responsibility can result in Housing Agency enforcement action.

When a unit does not meet the HQS and the Owner or tenant fails to take corrective action after being duly notified, the Housing Agency may exercise any of its rights, including abatement of HAP (even if the family continues in occupancy), reduction of HAP and/or termination of the Contract. The Housing Agency cannot make HAP for a dwelling unit that fails to meet the HQS unless the owner corrects the defect(s) within the time period specified by the Housing Agency.

Life threatening defects must be corrected within no more than 24 hours, and other defects must be corrected within no more than 30 days or any Housing Agency-approved

extension.

Life threatening defects are defined to include, but not necessarily limited to:

- Electrical hazards (e.g., exposed wiring “shorting”, open/non-functioning junction boxes, improper wiring, etc.);
- Broken/missing smoke detectors
- Severe tripping hazards (e.g., missing floorboards, severely broken/missing steps in rooms used for living etc.)
- Severe water leaks (i.e., freely running water that poses a threat to life or property)
- Noxious gases/odors
- Blocked fire exits
- Sharp edges (e.g., broken protruding glass)
- Improperly stored flammable liquids (e.g., gasoline, kerosene, etc.)
- Health hazards as defined by local/county code

5. Family Obligation to comply with HQS

The family is responsible for any HQS breach caused by its failure to maintain tenant paid utilities, by its failure to maintain tenant-supplied appliances, or damage to the unit by a family member or guest over and above ordinary wear and tear. The family, like the owner, must correct any life-threatening defect for which it is responsible within no more than 24 hours and any other defect within 30 days or any Housing Agency-approved extension.

The Housing Agency may terminate Section 8 rental assistance for family that causes an HQS breach. [24 CFR. §982.404)

6. Housing Agency and Owner Obligations for Units with Lead-Based Paint

Prior to execution of the HAP contract the owner must inform the Housing Agency and the family of any knowledge the owner has of the presence of lead-based paint on the surfaces of the residential units. [24 CFR §982.401]

The Municipality of Naguabo Agency will inspect units constructed before January 1, 1978, expected to be occupied by children under the age of six to determine if there is deteriorated paint. All deteriorated paint will be made intact before the Municipality of Naguabo Agency will enter into a HAP contract. If the unit will be occupied by a child with an elevated Intervention blood lead level, the Municipality of Naguabo Agency will perform an inspection of the unit to determine whether there is lead-based paint on chewable surfaces or any deteriorated lead-based paint. Chewable surfaces include all painted chewable surfaces in the unit within reach of a six-year-old child (i.e., painted surfaces up to five feet from the floor).

The Municipality of Naguabo Agency will pay for the lead-based paint testing of unit constructed before January 1, 1978 that will be occupied by children under the age of six if the local or state health agencies are unwilling or unable to do so.

A clearance test will be performed by the Municipality of Naguabo Agency for initial and annual units when the amount of deteriorated paint exceeds the de minimis levels specified in the regulations of no more than 20 square feet collectively on exterior surfaces or no more than two square feet in any one interior space or room, or no more than 10 percent of the total surface area on an interior or exterior type of component with a small surface area such as window sills, baseboards, and trim. The Municipality of Naguabo Agency will ensure that the owner is responsible for:

- a. Payment of subsequent clearance test where the Initial clearance test failed the unit, and
- b. Submittal of the results of the subsequent clearance tests to the Municipality of Naguabo Agency and the family.

Pursuant to 982.401(j)(3) the Municipality of Naguabo Agency will undertake a visual inspection for defective paint surfaces, on which paint is cracking, scaling, chipping, peeling, or loose, in all pre-1978 units that will be occupied by families with children under the age of

six. If defective paint surfaces are found, the unit may not be approved unless surfaces have been treated in accordance with 982.401(j)(6).

When inspecting a dwelling unit (both initial and annual inspections) that was constructed before January 1, 1978, and that will be occupied by family with a child under the age of six with an identified EBL condition, the Housing Agency will include:

- a visual inspection for deteriorated paint;
- b a test for lead-based paint on chewable surfaces; and
- c. any other tests required by local or State laws.

The Municipality of Naguabo Agency will also inspect and, if applicable, have the owner treat exterior chewable surfaces within five feet from the ground.

The MAHA will conduct a risk assessment of the unit in which the child, under age of six with an environmental intervention blood-lead level (EIBLL) lived at the time the blood was last sampled, unless an evaluation has already been conducted by the public health department. Risk assessments will be conducted within 15 days of being notified by the public health department or other medical health providers that a EIBLL child under age of six resides at a unit assisted by a housing choice voucher pursuant to 24 CFR 351350(d).

Clearance inspections will be performed within 24 hours of the owner's notification that repairs have been completed. For initial units, if the unit fails a second time the Municipality of Naguabo Agency shall notify the owner that the family may not lease the unit with assistance under the housing choice voucher program, unless final clearance is achieved. If the unit is under a HAP contract, the Municipality of Naguabo Agency will notify the owner that the Housing Agency will abate payments and that the HAP contract will be terminated once the family is relocated.

7. PHA Data Collection and Report keeping

The owner and the Housing Agency must comply with all requirements of the final rule

on Lead- based Paint published, effective September 15, 2000.

The Housing Agency will attempt to collect annually from local health agencies the names of children with an elevated blood level (EBL) and will annually attempt to match this Information with the names and addresses of assisted families. If a match occurs, the Housing Agency must determine whether local health officials have tested the unit for lead-based paint. If unit has lead based paint the Housing Agency will require the owner to treat the lead based paint in accordance with 24 CFR 982.401. If the owner does not take the required corrective action in the time prescribed, the Housing Agency will issue the affected family a voucher to move.

The Housing Agency will keep a copy of each unit's inspection report for at least three years. If a dwelling unit requires testing for lead-based paint, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the Housing Agency will maintain the unit inspection reports Indefinitely and, if applicable, the owner's certification of treatment.

The Municipality of Naguabo Agency will document that it requested from local and State health departments the address of families with RBL children assisted with housing choice vouchers in the tenant-based assistance programs.

8. Applicability of Local Code to Health and Safety

Section 8 Representatives will use local Code requirements for existing housing in determining the appropriate corrective action to be taken by an owner for any defects related to the health and/or safety of the occupants.

9. Conduct of Quality Control (QC) Inspections

The Section 8 program supervisor will re-Inspect at least 10 units Initially inspected by the Section 8 Housing Inspector.

The QC inspections will be performed throughout the year, and a record of all such QC inspections will be maintained in a separate file, as SEMAP Documentation.

The QC sampling will include units that initially passed and failed HQS to assure:

(i) Consistency between Representatives

(ii) Uniform application for HQS

PV.1.00 Overview

The Municipality of Naguabo Agency adheres to the acceptability criteria as found in 24 CFR 982.403 and the HUD Inspection Booklet (governing the Section 8 Housing Quality Inspection Standards. HUD's Housing Quality Standards are applicable to all housing assisted under any form of HAP contract.

PV-1.01 New/Move Unit Inspection Procedures

The Housing Agency shall conduct unit inspections before lease approval and execution of a HAP Contract to ensure the unit is in compliance with the HQS or HUD-approved variations for the Municipality of Naguabo Agency's Section 8 Program.

Once a Voucher- Holder and prospective owner have requested lease, approval for a specific unit, the Housing Agency is responsible for the following:

a. The Housing Inspector shall make every reasonable effort to schedule a unit inspection on the date the owner indicates the unit will be ready for inspection within seven days of receiving RFTA, or as soon thereafter as possible. Lengthy delays of inspections will be avoided since delays can cause owners and lies to lose interest in program participation.

b. The Housing Inspector shall conduct a thorough inspection of the unit to determine compliance with all HQS Performance Requirements and Acceptability Criteria prior to lease approval.

c. Marginal units' (i.e., those that are likely to fall below the HQS within a year) will not be approved.

d. The Housing Inspector will inspect the unit using the long or short version of Form HUD-52580, as instructed by the supervisor or inspections.

(i). If the unit fail its initial inspection the owner will be given ten (10) calendar days in which to make the required repairs.

(ii) If the unit tails the re-inspection and the owner cannot show “good cause” for failure to comply, the unit shall not be eligible for re-inspection under the same RFTA. Family shall be advised to search for another unit and to submit another RFTA before the expiration date of the voucher.

All determinations resulting from each inspections on-she inspection will be adequately documented in the participant file.

PV-1.02 Additional Duties of the Inspector

Prior to or during the inspection, the Housing Inspector (Representative) shall obtain the following information to assist the Housing Representative in making additional determinations which are required by the program:

a. The actual number of bedrooms (excluding living/sleeping rooms) contained within the unit to insure that the proper FMR limitations are used and that the owner’s statements lon the Requests for Tenancy Approval regarding unit size are factual (applicable to the voucher program).

For example, an owner may have considered the unit to be a three bedroom unit, but the Housing Agency may find that only two of the bedrooms meet the applicable HQS criteria (e.g., a window, two electrical outlets or one outlet and one permanently installed light fixture).

Unless the owner is willing and able to bring the third bedroom into compliance, the unit must be considered a two-bedroom unit for rent reasonableness, and for determining whether the unit meets the HQS space and security criteria.

b. Information with respect to the unit’s age, quality, amenities, location, contract and gross rents, unit type, and square footage of living space, which is necessary to determine whether the requested rent to owner is reasonable.

The Housing Agency's Representatives will assist in collecting and validating the information given as they have first hand knowledge of the units and the rental marketplace.

PV-1.03 Annual Inspection Procedures

The Housing Agency is required to inspect each dwelling unit at Least annually to determine if the owner and tenant family is maintaining the unit in a decent safe, and sanitary condition.

a The Housing Agency shall conduct its annual inspection(s) within one year of the date of the previous inspection. The annual re-inspection will usually coincide with the anniversary date of the contact. In some limited circumstances the Section 8 Office may conduct the re-inspection and the family re-examination at different points in time, but both activities will occur within 12 months of the initial activity.

b. The Housing Agency will also promptly conduct inspections as part of the re-exam process to ensure that any deficiencies are corrected as of the anniversary date.

c. The same procedures and forms as used for initial inspections shall be used for annual inspections.

i At re-exam, the inspector shall use the inspection form to document improvements that may have been made to the unit since the last inspection to determine whether information pertaining to rent reasonableness should be update. This documentation for Housing Agency files is especially important if the owner is requesting an annual adjustment in the contact rent on the basis of such actions.

e. The Housing Agency shall also cite recommended improvements to encourage upgrading of units above the HQS on the annual inspection form. Such improvements may be in the owner's best interest this may justify a higher comparable rent.

PV-1.04 Special Unit Inspections

There may be circumstances other than the initial and annual inspections which require the

Housing Agency to determine a unit's compliance with the HQS criteria, as follows:

d. Written or oral complaints/requests from participating families owners, or other sources regarding the unit's condition or lack of maintenance and services by the responsible parties;
or b. Owner requests to determine if a unit (s) qualifies for potential participation, such preliminary inspections may not be considered as substitutions for required initial inspections that may result from the submission of a Request of Lease Approval.

PV-I.05 Required Actions after Completed Inspections

A. Initial Inspections

The following requirements apply results of inspections performed in connection with an initial RFTA Tenancy. If the inspector has questions about the adequacy of certain items, these issues will be discussed with the family.

1) If the Housing Agency's, inspection reveals that the unit; meets the applicable HQS criteria, the Housing Agency may proceed with the other necessary determinations, such as rent reasonableness, preparation of HAP Contract and approval of lease, etc. The Section 8 Housing Representative shall notify the owner and family of the inspection results and may send the family a copy of the completed form.

2) If the Section 8 Inspection reveals HQS violations, the Housing Agency shall notify the family that the unit may not be leased under the program until all deficiencies is corrected. A written list of the deficiencies will be forwarded to both the owner and the family with a prescribed time period for corrective action (10) ten calendar days unless there are extenuating circumstances).

3) At the time of re-inspection of the failed unit the Section 8 Inspector will re-inspect all those items that were cited in the original deficiency notice. Should the unit pass the re-inspection Section 8 Inspector will document the file accordingly and promptly notice the Housing Representative of the need to precede with the other required lease-up activities. Should the

unit fail the re-inspection the owner and family will both be notified that the unit 'will not be re-inspected under the initial RFTA and that the family is to continue their search.

4) Neither the family nor the owner is entitled to an informal review of the decision to fail the unit for non-compliance with the HQS.

B. Annual Inspections

If the occupied unit fails HQS; or is otherwise not in compliance with it any other provisions of the HAP Contract, the Section 8 Inspector will immediately notice the owner of the deficiencies, In writing. It is not the responsibility of the Section 8 Housing Inspector to prepare detailed repair specifications. The notice will describe the deficiencies which are in violation of the HQS and require that the conditions be corrected within a time period specified by the Section 8 Inspector to be determined by the Housing Agency as follows:

1) If there are serious deficiencies that present an immediate clangor to the health and safety of the family. (e.g., exhaust fumes from heating system) The Housing Agency requires the owner or tenant (to be determined by the Inspector) abate tie hazardous condition within not more than 24 hours. If the owner/tenant does not take the required actions within the 24-hour time period, assistance payments will be abated until such time as the owner/tenant corrects the

In the event the "emergency" repairs are not completed with in a maximum of 72 hours (or less if so prescribed by the Housing Agency) the contract will be terminated.

If the repairs to be made by the owner/tenant are made wit bin the prescribed time frame the RAP will resume as of the date the deficiencies are fully corrected. The Housing Agency will not make payments for the period the unit was not in compliance and the owner/tenant had been notified, in writing, of the start of the abatement period.

2). If there are other deficiencies that do not affect the health and safety of the occupants, a determination of whether the owner or the tenant's family must make the repairs will be made.

In either case, the owner or tenant must correct the items within 30 days or less.

The time period for corrective action will be specified in the Housing Agency's notice to the owner, and such time' frame will be dependent upon tile type, nature, extent of the repairs to be made.

3). If the owner or tenant does not take the required corrective action within the specified time period, the Housing Agency will determine if an extension of time is warranted depending upon the nature of the required work and any extenuating circumstances.

If an extension is not granted, the Housing Agency will either abate the housing assistance payments or terminate the HAP Contract.

4). If the HAP Contract is terminated, the Housing Agency will determine whether to reissue the family's voucher. If the unit deficiencies, which result in the termination of HAP were tenant caused the family may be terminated from the program.

If the owner fails to make any owner-required repairs and the owner has a history of HQS non-compliance the owner may be barred from future/continued program participation.

5). During the period when payments have been abated, the Housing Agency will apprise the tenant of its responsibility to pay its share of rent to the owner and will advise the owner that abatement of the HAP is not grounds for termination or other adverse action against the family.

6). Section 8 Housing Representatives will re-inspect the unit to ensure that all HQS deficiencies have been corrected (a) as of the date of the scheduled inspection, and (b) prior to approval of any annual or special rent adjustment.

C. Special Complaint Unit Inspections

If problems similar to those discussed in the preceding section are disclosed during a special unit inspection (e.g, performed as a result of a complaint from the family, owner, or other source), the same steps shall be taken by the Housing Agency, as outline in the

sections above, as appropriate.

If an annual or special inspection reveals that a unit or building has serious or life threatening deficiencies, the Housing Agency will re-inspect other units in the building leased to Section 8 assisted families, even though annual inspections of these units are not yet required.

D. Inspections Which Reveal Tenant Non-compliance

If an annual or special inspection reveals that a unit is no longer in a decent, safe, and sanitary condition according to the applicable HQS criteria because of the tenant's lack of maintenance, the tenant is responsible for taking appropriate action to correct deficiencies. In addition to notifying the tenant, in writing, of any deficiencies and corrective action required, the Section 8 Housing Representative shall also; advise of the possible consequences of non-compliance. If the owner or Housing Agency is unable to get compliance from the family, the Housing Representative shall either abate the HAP payments or terminate the HAP Contract and the family's housing voucher. If the family remains in occupancy the family will become responsible for the full payment of the rent and the assisted lease agreement shall automatically terminate.

PV-1.06 Termination of Payments and Contracts

If the Housing Agency finds the owner or tenant in continued non-compliance with the HQS both parties will be sent advance written notice of abatement of HAP and/or termination of the HAP contract.

When it has been determined that a unit fails to meet the HQS and the owner/tenant has failed to correct the failed items within the prescribed time frame, the housing assistance payment for the unit will be abated.

The abatement will continue until all failed items have been corrected or for 30 days from the date of abatement whichever is the earlier.

The Housing Agency will re-inspect the abated units as soon as possible after the date of the owner's contact with the Housing Agency to report the completed work.

The abatement will end if it is confirmed at the re-inspection that all required repairs have been satisfactory accomplished. Owner or tenant's failure to make required repairs during the abatement period will result in the issuance of the 30-day notice of termination.

While the termination notice is running the abatement will remain in effect. Once the HAP Contract is terminated it will not be reinstated for the same family, at the same family, at the same unit.

The participating family will be reissued a Voucher to allow for a move with continued assistance if the HQS non-compliance was solely related to the owner's failure to act

If the repairs are completed before the effective date of the termination, the termination notice can be rescinded if the tenant chooses to stay in the unit

W. GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE

The Housing Agency may deny assistance to an applicant or terminate assistance for a participant family because of the family's action or failure to act.

Grounds for denial or termination of assistance may include violation of obligations under the program, prior eviction from public housing or prior termination of voucher assistance, a debt to the Housing Agency or another Housing Agency in connection with the Section 8 or public housing program, drug-related criminal activity; Violence criminal activity; 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. (sex offender)or, 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 PHA (including a PHA employee or a PHA contractor, subcontractor or agent)[24 CFR §982.552-553]. The Housing Agency will terminate HAP Contracts as stipulated in 24 CFR 982.454, in the event that there are insufficient funding levels from HUD. The Housing Agency will notify in writing the landlord and participant on the date of effectiveness of termination. Once the Housing Agency regains sufficient levels of funding the Agency will re-instate participants if their circumstances have not changed.

X. MAHA POLICY GOVERNING

The Housing Agency has a Policy of Zero Tolerance for “Drug Related or Violent Criminal Activity”. If the tenant, any member of the tenants household, a guest or other person under the tenant’s control engages in (a) any Criminal Activity that threatens the health, safety, or right of the peaceable enjoyment of their resident by persons residing in or near the participants resident. Drug related Criminal Activity means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of controlled substance as defined in sec. 102 of the Controlled Substance Act (21 U.S.C, §802). Tenant and persons of the age of majority listed in the tenants household engages in one and only one such act of Criminal Activity shall be cause for termination of Assistance, and cause for refusal of subsequent housing applications for a period of three (3) years. The Municipality of Naguabo Housing Agency may utilize without regard to federal or local preferences its available voucher Housing Agency, or any such Housing Agency/assistance made available through HUD’s national pool of subsidy, to assist persons who are cooperating with a federal, state or local law enforcement investigation involving drug-related criminal activity, and when the applicant or participant is under a threat assignment and recommended for relocation to minimize or eliminate the potential for harm to the family.

Y. INFORMAL REVIEW OR HEARING ON AGENCY ACTION OR DECISION (24CFR

982.554.555)

A family who feel adversely affected as a result of an agency determination is entitled to an informal hearing. The request for an informal discussion must be file in writing fourteen (14) calendar days from the date of the written notification of the Housing Agency's action or decision.

Under the Section 8 program policies, the Housing Agency is not required is not required to provide a hearing for determinations involving administrative discretion, general policy issues or class grievances, utility allowance schedules, refusal to extend or suspend a voucher term, refusal to approve a new lease, noncompliance with the HQS, or exercising or not exercising any right or remedy against the owner under the HAP contract. (24CFR&982.555(B)).

PY-1.00 Informal hearing for participant (24 CFR982.555)

a. When hearing is required:

1. The Municipality of Naguabo Housing Agency will give a participant's family an opportunity for an informal hearing to consider whether the following PHA decision relating to the individual circumstances of a participant's family are in accordance with the law, HUD regulations and PHA policies:

- i) A determination of the family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
- ii) A determination of the appropriate utility allowance (if any) for tenant paid utilities from the PHA utility allowance schedule.
- iii) A determination of the family unit size under the PHA subsidy standards.
- iv) A determination that a voucher program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards, or the PHA determination to deny the family's request for an exception from

the standards.

v) A determination to terminate assistance for a participant family because of the family's action or failure to act (see 982.552)

vi) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

2. In the cases described in paragraphs (a)(I) (iv), (v) and (vi) of this section the PHA will give the opportunity for informal hearing before the PHA terminates housing assistance payments for the family under an outstanding HAP contract.

b. Notice to family

2. In the cases described in paragraphs (a)(I) (iv), (v) and (vi) of this section the PHA will give the family prompt written notice that the family may request a hearing. This notice will:

i) Contain a brief statement of reasons for the decision.

ii) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and

iii) State the deadlines for the family to request an informal hearing

c. Expedient hearing process. Where a hearing for a participant's family is required under this section, the PHA will proceed with the hearing in a reasonably expedient manner upon the request of the family. (Le., 3-5 working days)

d. Participant's Hearing procedures

1. Discovers

i) By family. The family will be given the opportunity to examine before the PHA hearing any PHA documents that are directly relevant to the hearing.

The family will provide requested copies at the cost of five cents per page payable in cash at the office of the Central Administrative Office of the Municipality of Naguabo

Housing Agency. If the PHA does not make the document available for examination on request of the family, the Municipality of Naguabo Housing Agency may not rely on the document at the hearing.

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

iii) Documents. The term "documents" includes records and regulations.

3. Representation of family. At the family own expense, the family may be represented by a lawyer or other representative.

4. Hearing officer: Appointment and Housing Agency

i) The hearing may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

ii) The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA hearing procedures.

5. Evidence. The PHA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceeding.

6. Issuance of decision. The person who conducts the hearing must issue a written decision(s), stating briefly the reason(s) for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished within seven (7)

working days to the family.

f. Effect of decision. The PHA is not bound by a hearing decision:

1) Concerning a matter for which the PHA is not required to provide an informal hearing under this section or that otherwise exceeds the Housing Agency of the person conducting the hearing under the PEA hearing procedures.

2) Contrary to HUD regulations or requirements, or otherwise contrary Federal, State, or Local laws.

If the PHA's general counsel determines that it is not bound by a hearing decision, the general counsel must notify the family within seven (7) working days of the determination, and of the reasons for the determination.

Z. USE OF SECTION 8 VOUCHER FOR WITNESS RELOCATION PURPOSE (PL. 104-134, 110 stat. 1321)

Section 8 Rental Vouchers designated by HUD for the exclusive purpose for families who have cooperate as witnesses in efforts to combat crime in public, Indian, and other who have cooperated as witnesses in efforts to combat crime in public, Indian, and other assistance housing including Section 8 Tenant-Based assisted housing, will be assigned consistent with the policies and procedures prescribed in HUD Notice 96-83.

The Municipality of Naguabo Housing Agency may utilize its own voucher funding for this same purpose on a case-by-case basis upon approval of the HUD Regional Office.

In all such instance, the Municipality of Naguabo Housing Agency may maintain the tenant's files of these families separate from the remaining tenant files and under a fictitious name to ensure the confidentiality and security of all such families. These tiles may be maintained in the office of the Manager or the Office of General Counsel of the Municipality of Naguabo Housing Agency.

BB. CONDUCT ANNUAL SURVEY OF UTILITY SUPPLIES

The Municipality of Naguabo Housing Agency will undertake an annual survey of local utility suppliers. Said survey will establish the need to retain, increase and/or decrease tenant allowances based on a review of area rates and consumption.

The survey results will be formatted and submitted to the Municipality of Naguabo Housing Agency Board of Housing Agency with staff's recommendation.

Whether the allowances remain the same or change, an allowance schedule will be published with a current date.

CC. EQUAL OPPORTUNITY REQUIREMENTS

The Housing Agency will administer its programs in a non-discriminatory manner. The Housing Agency shall not provide disparate services or treatment to any applicant, participant or owner based on race, color, creed, national origin, sex, handicap, original status. The Housing Agency shall comply with all applicable provisions of federal, state and local fair housing laws. Further, the Housing Agency: maintains its ongoing compliance with non-discrimination requirements governing assisted housing. [24 CFR §1 and 24 CFR §8].

DD. EXPENDITURES FROM OPERATING RESERVE

A budget is prepared by the Housing Agency for expenditures from the Operating Reserve (Section 8 administrative fees from prior years) for other housing purposes each fiscal year and approved by the Board of Housing Agency.

EE. SEVERABILITY

If any rule, section, sentence, clause or phrase of the rules and regulations or its application to any person or circumstances or property is held to be unconstitutional or invalid, the remaining portions of these rules and regulations or the application of these rules and regulations to other persons or circumstances or property shall not be affected. The Housing Agency hereby declares that it would have adopted these rules and regulations, and each

and every rule, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more s of the other rules, sections, sentences, clauses, or phrases is declared unconstitutional or invalid.

FF. REPAYMENT POLICY AND PROCEDURE

Repayment Agreements may be used to modify the terms (periodic amount and timing) of delinquent amounts owed. The circumstances under which repayment agreements are acceptable are under the discretion of the Section 8 manager as long as the frilly meets the basic eligibility requirements, as stated below, for a repayment agreement. The Section 8 manager is cautioned against the indiscriminate use of these agreements as they can become an obstacle to timely collection of monies due and owing the Housing Agency.

PFF-1.00 Purpose of Repayment Agreement

A repayment agreement sets up an legally binding agreement between delinquent tenant and the of Naguabo Housing Agency under which the tenant agrees to pay current rent and charges plus a fair amount each month toward delinquent rent or charges until the delinquency is repaid in full.

The Municipality of Naguabo Housing Agency, for its part agrees not to terminate the lease of the delinquent tenant for nonpayment unless the tenant breaks the terms of the repayment agreement.

PFF-1.01 Eligibility to Enter into a Repayment Agreement

A tenant is eligible to execute a repayment agreement when all of the following conditions are met:

- a. no other repayment agreement is in force,
- b. any repayment agreements executed within the past 12 months have been fully satisfied in the manner prescribed by the agreement,
- c. the tenant has not been delinquent 3 times within the preceding 12 month period.

- d. the repayment agreement is requested within the 14 day delinquency remedy period which is concurrent with the running of the 14-day notice (this requirement may be waived if the tenant can prove that he/she was physically incapable of requesting this agreement during this period of time through no fault of his/her own),
- e. the tenant is not under any actual or pending eviction proceeding,
- f. there are no carryover balances from the previous month, and
- g. the reason for the request for the repayment agreement is valid and is fully substantiated and documented.

Generally, these agreements should be restricted to clear cases of hardship (e.g., death in the immediate family, serious illness of tenant/lease holder, lost or stolen benefit check/paycheck an unexpected Municipality of Naguabo Housing Agency charge that exceeds the tenants ability to pay in one sum). The Section 8 supervisor shall document the reason for granting each request for a repayment agreement.

PFF1.03 Terms of Repayment Contracts

The maximum duration of any repayment agreement that the Section 8 manager may approve shall be 12 months, inclusive of the month in which the down payment is made. The terms of all Municipality of Naguabo Housing Agency repayment contracts shall be as follows:

<u>Balance Due</u>	<u>Payment Due</u>
\$26-100	\$25 down and \$25 per month
\$101-500	25% down and balance within 11 months minimum payment of 35/month
\$501-1000	25% down and balance within 11 months with minimum payment of \$50/month
\$1001+	25% down and balance with 11 months with minimum payment of \$75/months

When the down payment required exceeds \$125, the Section 8 supervisor may approve arrangements resulting in the payment of the portion that exceeds \$125 in equal installments over a two month period.

PFF-1.03 Preparation to Negotiate a Repayment Agreement

The Section 8 supervisor will conduct a file review before meeting with the tenant to determine whether the tenants rent was computed correctly, whether the tenant is entitled to some interim reduction in rent not yet granted, whether the tenant utility allowance, schedule has been reviewed within the past year as required by HUD regulations (24 CFR, Part 965), or whether the tenant might be entitled to a rent abatement because of documented conditions hazardous of life, health or safety.

Any of these situations might reduce or alter the amount delinquent (or eliminate the delinquency) so all these possibilities must be checked before meeting with the tenant. If any of these conditions are present and warrant a reduction in the amount of rent or charges due, an adjustment is to be made and any resulting rent credit shall be applied retroactively to the time that the circumstances arose.

The Section 8 supervisor's file review should also include an examination of the tenant's payment history, any pending eviction actions, special circumstances and income. The Section 8 supervisor should be thoroughly familiar with the specific tenant's circumstances and be able to fully document the tenant's eligibility and sufficiency of justification for a repayment agreement.

PFF-1.04 Negotiation a Repayment Agreement

Once the Section 8 manager determined that the tenant is eligible the parties will meet to address the terms of the agreement. The primary topics for the negotiation are the down payment and the amount of the subsequent monthly payments under the agreement. The

negotiation shall be carried out in a professional anti non-threatening manner.

The Section 8 supervisor should attempt to shorten the duration of the agreement by seeking the largest down payment and subsequent monthly payments that the tenant can afford. Under no circumstances may the Section 8 manager agree to a term that is in excess of 12 months or which requires a down payment of less than what is specified by the Municipality of Naguabo Housing Agency policy.

The Section 8 supervisor shall emphasize to the tenant that the repayment agreement being negotiated must be paid off in full and in accordance with the terms before the tenant can be considered for any other repayment agreement. The Section 8 supervisor should also inform the tenant that failure to abide by the terms of the agreement will be grounds for termination of rental assistance for amounts due and owing the Housing Agency.

PFF-1.05 Executing the Repayment Agreement

When the terms of the Agreement have been settled, the Section 8 Housing Representative will complete the Repayment Agreement for approval and signature of the Section 8 supervisor. The form will then be explained to the tenant and both parties will sign it in the appropriate places. Two copies of the executed Agreement will be made and given to the tenant. The supervisor will place the original of the agreement in the tenant's file.

The Section 8 supervisor shall provide accounting with the pertinent information from all executed repayment agreements.

GG. Special Policies Concerning Special Housing Types in the Program

Without incurring in vacancies the Municipality will make every reasonable effort to provide units of special housing types for the disabled families with physically disabled or elderly members who requires such units:

1. The Municipality will give elderly families a preference in admission to protect the elderly.
2. The Municipality has agreed not set a minimum in age for the admission of disabled

persons.

3. The Municipality will not exclude elderly families with children having units of appropriate size.

4. Accessible units counting with ramps grab bars mother special facilities will be referred as barrier free units.

5, The Municipality is aware that families defined as disabled often do not need designated units. As in the case of a mentally disabled.

B. Larger Families

When it is determined that a qualified family such as a single mother with mother small children (4,5, or '6) has difficulties to find an owner who is ready to rent an apartment or single detached unit the Municipality will provide the following assistance:

1. Meet with homeowners who pose the proper sized units for the mentioned families and attempt to persuade them to accept these families.

2. Meet with representatives of the State Housing Department and Family Department to get assistance to solve the problems.

3. The City will do every thing within its authority to assist disabled, elderly and large families to' obtain suitable, sale and decent housing.

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I. INTRODUCTION

For many families progress and economical stability has been a struggling combat on daily basis. To some poverty is a short-term status. A family breaks up, a loss of a job or a medical condition may bring on a temporary condition of poverty. Nevertheless many families recover and return to productive lives. There is however, a growing segment of our population that remain in needs, chronically unemployed, welfare recipients and basically dependant of government assistance programs.

The Municipality of Naguabo wants to take the opportunity to increase the Family Self-Sufficiency Program, through the update of our Action Plan to combat the numerous problems of poverty and dependency of our residents. Using strategies that will focus and work as basis for the progress of these families. Community Agencies both government and private have been encouraged to continue their participation. This is an Action Plan prepared upon program approval containing specific dates.

II. PROGRAM DESIGN

Naguabo Housing Authority (PHA) has designated a coordinator - trainer to supervise and structure programs as well as the Coordinating Committee integrated by:

1. professional representatives from public housing
2. education
3. labor
4. criminal justice
5. police department
6. health and human services
7. church
8. community leaders
9. local business

Along with having input into the program design and the action steps of the program, the team will be responsible for:

1. Selecting representatives.
2. Making specific commitments of time, staff and resources to the program.
3. Develop a working relationship with the program coordinator trainer.
4. Provide input into the program research and evaluation process.

a. LEVEL 2- PROGRAM IMPLEMENTATION

Program implementation will consist if the following:

b. Tenant Participation selection (Open)

Eligible families participating in the voucher choice program and up dated

waiting list will be given the opportunity to participate in the program after carefully explaining the details of the FSS Program. If the family refuses to participate, they will not lose their participation in the voucher choice program nor the waiting list. Those that agree to participate must follow program requirements or assistance may be terminated.

2. **Tenant Group Orientation and Initial Training**

The group orientation and initial training will be designed to establish and reinforce new social rules, norms and values, strengthen and increase self-image. Motivate participants to search for the development of skills and make effective use of community progress for growth and development.

During the initial orientation the following information will be provided to the selected participants:

- a. The objectives of the FSS Programs
- b. The initial eligibility requirements for participation
- c. Selection process
- d. The number of Section 8 Voucher Choice Program available for the FSS Program
- e. Introduction to the FSS programs contract
- f. Grievance procedure

3. **Work preparation counseling**

Selected families will participate in activities designed to help the individuals take charge of their own living and learning environments. Counseling will be *offered* regarding drug abuse, health problems (HIV) improve working habits, parent child relationship, budgeting and household management. The process will emphasize the practice of these supporting tools, Counseling will be continuous process.

4. **Individuals Skills Training**

After completing initial training, the participants will be interviewed by qualified staff as well as committee members representing a variety of disciplines. Bases on the interviews, personal need assessment, will be prepared with corresponding individual Action Plan.

The personal needs assessment will identify and special needs of limitations that may inhibit the participants from achieving self-sufficiency.

The following committee representatives will handle this phase of the program:

- 1) Department of Labor and Human Resources (Naguabo)-
Mrs. Madelyn Lopez Morales
- 2) Department of Administration of Work (Fajardo)-
Mr. Carlos S. Lebron, Manager
- 3) Department of Social Services-
Mrs. Hilda Rivera
- 4) Department of Education-
Ms. Norma Iris Gomez
- 5) Catholic Church-
Father Luis A. Alicea Rivera
- 6) Agriculture Extension Services-
Agronomous Luis A. Viera
- 7) Civic Community Organizations Lion C1ub-
Mr. Carmelo Rodríguez
- 8) Naguabo Popular Bank-
Ms. Ketty Aguayo, Manager

c. Job Training

During the training periods, employment agencies will be used to the maximum to encourage self-sufficiency and eventually begin the process of social and economical stability.

d. Job Replacements and Retention

This step is designed to increase the possibilities of finding and retaining good jobs. With this initial support and continued encouragement, as well as, monitoring their progress, the families will achieve self-sufficiency and begin the progress, the families will achieve self-sufficiency and begin the progress of accomplishing initial goals.

e. Support services

Some of the services that may be offered can be childcare, transportation assistance, support groups, etc. The FSS Program coordinate will facilitate referrals to these service providers.

f. Escrow account

The Section 8 Voucher Choice/FSS Program accounting division will establish a FSS escrow account for each family participating in the program.

In accordance with HUD regulations during the term of the contract of participation, the PHA (Naguabo Housing Authority) will credit to the FSS escrow account the smallest of thirty percent of current monthly-adjusted income.

Calculating Escrow Accounts

HOW IT WORKS

- A participating family's earned income may increase during the term of the contract of participation.
- If this occurs, the PHA is required to credit to an escrow account a portion of the increase of rent that would otherwise result from increases in earned income during the term of the Contract of Participation.

The escrow is only based on increase of earned income.

- Earned income is defined as income from wages, salaries and other employee compensation as well as any earnings from self employment.
- It does not include any pension or annuity, transfer payments or any cash or in kind benefits.
- This before payroll deductions. It includes overtime, commissions, tips, bonuses, fees.
- Earned income also includes net income from the operation of a business or profession and military pay that is normally included in Annual Income definition.
- Earned income also includes net income from the operation of a business or profession and military pay that is normally included in Annual Income definition.
- Earned income does not include income of children under 18. If an adult is added or a child turns 18 after the Contract of participation is executed, the income is counted.
- Increases in AFDC for a family in which no family member is an employee are deposited in the escrow account.
- The PHA must establish an escrow savings account for each family participating in the FSS program.

- During the term of the contract of Participation, the PHA will credit to the FSS account the amount of the FSS credit calculated in accordance with the procedures described as follows:
 - ✚ The PHA must set up an escrow account amount for each family in two situations.
 - ✚ When the family starts out with employment income and has an increase in employment income.
 - ✚ If the family participates in education or job training and there is no employment income, there is no escrow fund calculation made.
 - ✚ If there is no earned (employment) income, there is no contribution to an escrow account.
 - ✚ Although the escrow account is like a "forced savings account" the families increased payment does not go directly into the escrow account in the Section 8 Program.
 - ✚ Families pay regular share according to their income to the owner, and PHA escrows and amount equal to the extra amount they are paying due to increased employment income from the HAP account.
 - ✚ In Section 8 Voucher Choice Program, the PHA deposits in the families escrow account and amount equal to the decrease in the Housing Assistance Payment paid by HUD.
 - ✚ In the Public Housing Program, because the tenant rent is paid directly to the PHA, the PHA directly escrows the additional amount from the tenant's rent.
 - ✚ The increased payment goes directly into the escrow account in Public Housing because the family pays the PHA, not the owner.
 - ✚ PHA's can exclude the amount credited to the escrow account in calculating operated subsidy eligibility.
 - ✚ There is no escrow if current family contribution is less than family contribution when contract was executed.
 - ✚ For there to be an escrow, family contribution must be greater than family contribution when contract was executed.
 - ✚ The amount put in escrow will also depend on whether they are a very low (100%). Low (50%), or above low (0%) but the PHA still maintains an escrow account until the family is no longer receiving housing subsidy, or until ten (10) years have elapsed from the effective date of the contract of participation. Interest accumulates while the account is maintained.

g. **Evaluation**

The evaluation of the project success will be measured in terms of the families self-sufficiency goals achieved. All participants will be evaluated using the following criteria:

- Educational level attained
- Employment
- Annual Income
- Job skills developed
- Job placement

III. COMMUNITY SERVICE AND PROGRAMS AVAILABLE

A description of service and programs available in our community and represented in our committee are as follows:

1. **Upward Bound Program** - directed to meet academic and counseling needs of students with educational problems.
 - a. cultural activities
 - b. seminars about study habits
 - c. economic assistance for continuing education
 - d. vocational counseling
 - e. preparation for College Board
 - f. remedial courses

2. **Educational Counseling** - Available for junior-high school students, for those who have a high school diploma and want to continue post secondary studies.
 - a. academic counseling
 - b. vocational counseling
 - c. personal counseling
 - d. seminars about study habits
 - e. cultural activities
 - f. placement tests

3. **Southwest Consortium WIA Program**- This program offers the following service and training's:
 - 1) Institutional training
 - a) High Scholl Diploma
 - b) Certified Computer Programming
 - c) Certified Plumbing Training
 - d) Certified Secretarial Skills
 - e) Certified Landscaping Skills
 - f) Certified International Chef Training

4. **Department of Education** - The State Department of Education contributes to the FSS Program with the following services:
 - a. Adult Basic Education (1st through 8th grade)
 - b. Adult Secondary Education (9th through 12th grade)
 - c. Placing tests and courses (Act. 188)

IV. SUPPORT SERVICES AVAILABLE

By the coordinated efforts of public and private entities participating and providing support to the FSS Program, obstacles to family's self-sufficiency can be minimized or eliminated. Support services to be provided are as follows:

1. **Childcare**

Childcare is considered an essential element of a successful self-sufficiency program. The local government through Naguabo Child Care and SENDEC provides this service.

2. **Counseling Assistance**

Technical staff of the Municipal Section 8 Voucher Choice Program is available to provide counseling assistance or canalize help through local religious members of our community.

3. **Owners Participation**

Local flyers and newspaper indicating the housing types and size requested for eligible families are posted to contact owners of eligible units to participate in the program.

4. **Transportation**

Transportation assistance to program participants is provided by- our Municipality and other volunteer community groups

5. **Job Development, Training and Placement**

The Department of Labor and Human Resources as well as the Southwest Consortium WIA Program are providing assistance in these areas.

2. **CONTRACT OF PARTICIPATION**

The contract participation is an agreement between the PHA and the family. It includes an individual training and services plan, designed specially for the client.

The contract describes:

1. The resources and appropriate supportive services which will be made available to the family under FSS.
2. The PHA authority to terminate or withhold FSS supportive services and the termination of housing assistance if the family does not comply with the contract terms.
3. The family's requirement to fulfill the obligations to which it has committed itself no later than five (5) years after entering into the contract.
4. It requires that the head of household seek and maintain suitable employment throughout the term of the contract, including any extensions to the contract.

Employment should reflect the persons training and availability for job opportunities. Only the head of household must seek employment.

The contract may require other family member to attend job training and counseling and interview for jobs, but the contract is fulfilled even if they do not find a job. PHA will define "seek employment" and develop appropriate standards and documentation. This is defined in negotiations with the head of household, as part of the contract of participation. It could include, looking for a job, going on interviews, following up on employment opportunities. The family should be encouraged to seek more than a minimum wage job.

A. CHANGES IN THE CONTRACT

The PHA may agree to changes in to the contract of participation such as:

- ❖ Number and identity--of household members who will participate
- ❖ Family Self Sufficiency designated head
- ❖ Support Services to provide as the family's needs and interest change.

Change must be consistent with local program objectives. The PHA must approve the change.

B. EXTENSION ON THE CONTRACT

Contract may be extended for up to two years beyond the original (5) five-year term. Extensions must be for good cause such as: Serious illness, involuntary loss of employment. The family will continue to receive escrow credits during period of extension.

Non performance of the employment provision of the Contract by the head is not a good reason to extend the contract. Extension could be grant for rare circumstances, such as closing of a factory.

C. TRANSITIONAL ASSISTANCE

Continued provision of family self sufficiency support services can be offered to the family under these conditions:

- ❖ Family has completed Contract of participation, Family is employed; and the continuation of support services would assist the family to remain self-sufficiency.

D. GRIEVANCE PROCEDURE

1. GRIEVANCE DEFINITION

For the purposes of the procedure set forth herein a grievance of complaint shall be define as:

- (i) Any dispute involving interpretation or application of the PHA's regulation, policies or procedures, which affect the rights or duties of the complainant.

- (ii) Any action or omission to act by the PHA or a tenant which may affect the welfare or status of a tenant or the PHA.

E. TERMINATION OF ASSISTANCE

Assistance under program will be automatically continued for eligible families unless the contract is terminated by the Municipality for reasons similar to those set forth in the HAP contract, such as:

- The family vacates the unit in violation of the lease
- The owner cancels tenancy in accordance with regulations
- The family move from its unit without the owner's approval, and without notifying program.
- If the family vacates its unit in violation of the lease or tenancy agreement, the owner shall receive the housing assistance payment due under the HAP contract for the period of the month that the unit is vacant. If the unit continues to remain vacant after the first month, the owner shall receive a housing assistance payment from the PHA in the amount of 80 percent of the contract rent for a vacancy period no exceeding one additional month, or the expiration of the lease or tenancy agreement, whichever comes first. If the owner collects any of the family's shares, this must be reduced to an amount in which the payment does not exceed 80 percent of the contract rent.
- The owner has evicted the family in accordance with State/Local Law. (The owner must notify the Section 8 Office before instituting eviction procedures).

The Municipality may also cancel the contract if:

- The family no longer requires assistance.
- The unit fails HQS.
- The unit is overcrowded and does not meet the HQS space requirements.
- The family does not comply with the obligations stated in the contract (FSS Contract). Even if the designated head of household is different from the one that started originally in the program.
- If the family has tried and failed to find employment, the PHA can cancel the participation in the FSS program but may choose not to cancel participation in the Voucher Choice Program.
- The Municipality discovers program abuse.
- The owner does not comply with the terms of the housing contract.
- The family and owner will be notified in writing before the termination.

1. EVICTIONS

- Although the Municipality does not authorize or deny eviction actions, owners are required to:
 - Comply with the requirements of State/Local Law.
 - Provide a copy of the notice to the PHA when the notice is given to the family is eligible to receive continued assistance under the Section 8 Program.

F. INFORMAL HEARING FOR DENIAL, REDUCTION OF TERMINATION OF ASSISTANCE:

The Municipality, upon determining an applicant or participant to be ineligible, will notify the applicant or participant in writing the reasons for the ineligibility and their right to request an informal hearing.

If an applicant or tenant requests an informal hearing the hearing will be conducted by a hearing officer or other public official who is not directly involved in a day by day administration of the program.

In addition, the family may retain counselor or other representative, if desired, at his or her own expense. Either the family or its counsel/representative must also be given an opportunity to present testimony and evidence in its favor. The decision of the hearing official must be in writing, must be based solely on evidence provided at the hearing and must state the legal and clear grounds for the decision.

1. HEARING PROCEDURE

The hearing must be promptly scheduled for a date and time at a place designated by the hearing officer.

a) If the complainant does not file a grievance within the time allowed, he or she waives his right to the hearing. However, this shall not constitute a waiver of his right to thereafter battle the PHA's disposition of his grievance in appropriate judicial proceeding.

b) The hearing shall be private unless the complaint requests a public hearing. If the grievance is related to eviction from unit fines, inspections, transfers, rental disputed or any other violation to the contract, the complainant may examine before the hearing any copy at his or her expense, all documents, records and regulations of the PHA that are relevant to the hearing. The complainant may request, in advance and at his or her expense, a transcript of the hearing.

- c)** The decision of the hearing officer shall be based upon evidence applicable to the program and HUD rules and regulations. If the decision is in favor of the complainant, the PHA shall take all actions necessary to carry out such decision of refrain from any action provided by such decision.
- d)** The hearing officer shall prepare a written decision, including a - statement of findings and conclusions, as well-as the reasons or basis therefore, upon all materials issues raised by the parties. This shall be done within five (5) working days after the date of the hearing. Copies shall be mailed to the complainant or the representative upon prior request.
- e)** All written decision as well as documents related to the hearing will remain in the Municipality and available for inspection by any prospective complainant or their representative.