

# PHA Plans

## Streamlined Annual Version

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

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

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

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

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# Streamlined Annual PHA Plan

## for Fiscal Year: 2008

### PHA Name: Municipality of Río Grande

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

**Streamlined Annual PHA Plan  
Agency Identification**

**PHA Name:** Municipality of Río Grande

**PHA Number:** RQ050

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

**PHA Programs Administered:**

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

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

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

**PHA Plan Contact Information:**

Name: Wanda I. Del Valle Del Valle     Phone: (787) 887-2084  
 TDD:     Email (if available): widelvalle@yahoo.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)]

### Table of Contents

[24 CFR 903.7(r)]

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

#### A. PHA PLAN COMPONENTS

- 1. Site-Based Waiting List Policies  
**903.7(b)(2) Policies on Eligibility, Selection, and Admissions**
- 2. Capital Improvement Needs  
**903.7(g) Statement of Capital Improvements Needed**
- 3. Section 8(y) Homeownership  
**903.7(k)(1)(i) Statement of Homeownership Programs**
- 4. Project-Based Voucher Programs
- 5. PHA Statement of Consistency with Consolidated Plan. Complete only if PHA has changed any policies, programs, or plan components from its last Annual Plan.
- 6. Supporting Documents Available for Review
- 7. Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report
- 8. Capital Fund Program 5-Year Action Plan
- 9. Other attachments:
  - 1. Certifications: HUD-50070, HUD50071, SF-LLL & SFLLLa
  - 2. PHA organizational chart
  - 3. Public Notice
  - 4. Public hearing assistance record
  - 5. Public hearing minutes
  - 6. Single audit report
  - 7. Municipal Budget
  - 8. Statement on Mandatory Prohibition of Sex Offenders & Domestic violence –Housing Choice Voucher Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. Capital Improvement Needs**

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

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

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

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

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

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

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

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

3.  Yes  No: Does the PHA expect to apply for a HOPE VI Revitalization grant in the Plan year?

If yes, list development name(s) below:

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

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

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

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

2. Program Description:

a. Size of Program

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

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

b. PHA-established eligibility criteria

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

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

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

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

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

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

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

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)

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:

- a. Provide adequate, safe, decent and affordable housing to low-income families in the jurisdiction.
- b. Enhance the coordination between public and assisted housing providers and private and governmental health, mental health and service agencies.
- c. Provide to eligible families temporary clean and safe housing, with minimum quality standards to attend the low-income families housing necessities within the local municipal jurisdiction based on an equal opportunity policy.

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

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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	<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
<b>X</b>	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Streamlined Annual Plan</i>	Streamlined Annual Plans
	<i>Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.</i>	5 Year and standard Annual Plans
	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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
<b>X</b>	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
<b>X</b>	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
<b>X</b>	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
	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
	Any policies governing any Section 8 special housing types <input type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
	Public housing grievance procedures <input type="checkbox"/> Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
	Section 8 informal review and hearing procedures. <input type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing	Annual Plan: Designation of

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	(Designated Housing Plans).	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
<b>X</b>	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
<b>X</b>	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
<b>X</b>	Mandatory Prohibition of Sex Offenders & Domestic violence –Housing Choice Voucher Program.	2008 Annual Plan
	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

**Program Annual Statement/Performance and Evaluation Report and Replacement Housing Factor (Not applicable to our Section 8 Program in the Municipality of Río Grande)**

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				





**Program Five-Year Action Plan (Not applicable to our Section 8 Program in the Municipality of Río Grande)**

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

**Program Five-Year Action Plan (Not applicable to our Section 8 Program in the Municipality of Río Grande)**

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



*Administrative Plan for  
Section 8 Housing Program  
Municipality of Rio Grande*

*Hon. Emilio Rosa Pacheco: Mayor*

*April, 2002*

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Estado Libre Asociado de Puerto Rico  
Municipio de Río Grande  
**Oficina del Alcalde**

**Hon. Emilio Rosa Pacheco**  
ALCALDE

April 01, 2002

TO MUNICIPAL SECTION 8 HOUSING DIVISION  
EXTERNAL RESOURCES OFFICE  
FINANCE OFFICE  
MUNICIPALITY OF RIO GRANDE

EMILIO ROSA PACHECO  
MAYOR

ADOPTION OF FEDERAL HUD SECTION 8 ADMINISTRATIVE  
PLAN FOR MUNICIPAL HOUSING ASSISTANCE

It is the objective of the Municipality of Río Grande for Section 8 Program administrative tasks implementation to promote the overall goal of decent, safe and sanitary housing by using the Section 8 program to house eligible families in private rental housing; therefore, increasing the housing stock for very low-income families.

This Administrative Plan is adopted as the Municipality of Río Grande Section 8 Division implementation tool for the Federal Housing and Urban Development Department housing programs. All municipal officials implementing HUD housing programs must comply with all the provisions of this Plan. The policies and procedures in this Plan are binding, also, to applicants, residents and landlords.

The Plan will be available for inspection at the Section 8 Division and the Division staff will clarify public concerns relating its compliance.

At Río Grande, Puerto Rico, on April 01 2002.

- Ciudad de El Yunque -  
Apartado 847, Río Grande Puerto Rico 00745

## *Administrative Plan for Section 8 Housing Program Municipality of Rio Grande*

### **SECTION 1. Introduction:**

1. Mission Statement: The goal of the Municipality of Rio Grande is to provide decent, safe, and sanitary rental housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for Section 8 participants. In order to achieve this mission, the Municipality will:

- Recognize residents as our ultimate customer.
- Improve Section 8 Division management and service delivery efforts through effective and efficient management of Section 8 Division staff .
- Seek problem-solving partnerships with residents, landlords, community, and government leadership.
- Apply limited Section 8 Division resources to the effective and efficient management and operation of Section 8 programs.

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

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

3. Primary Responsibilities of the Section 8 Division: Informing eligible families of the availability of Section 8 assistance; encouraging owners to make their units available for lease by Section 8 participants; determining the maximum amount of housing assistance payments that can be used for family-paid utilities; and posting the utility allowances annually; receiving applications from families and determining their eligibility for assistance; inspecting Section 8 units to determine that they meet or exceed Section 8 Housing Quality Standards; approving leases; making housing assistance payments to owners and perform annual and periodic re-examinations of income, family composition and redetermination of rent.
  
4. Objectives: The objectives of the municipality of Rio Grande for Section 8 program administrative tasks implementation are to:
  - A. Promote the overall goal of decent, safe and sanitary housing by using the Section 8 program to house eligible families in private rental housing; therefore, increasing the housing stock for very low-income families.
  - B. Improve the City's housing stock by requiring participating landlords to meet Section 8 Housing Quality Standards for their rental property.
  - C. Facilitate the efficient management of the Section 8 Division and compliance with Federal Regulations by establishing policies for the efficient and effective management of the Section 8 program and staff.
  - D. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to insure that occupancy in assisted housing is administered

without regard to race, color, religion, sex, handicap, familial status and national origin.

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

5. Outreach:

A. Outreach to Owners. The Section 8 Division will encourage participation by owners of suitable units located outside areas of low income or minority concentration by distributing and communicating information concerning property owners leasing units under the Section 8 programs through the local media (newspaper, radio, television, etc.).

B. Outreach to Potential Clients: The Section 8 Division may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for Section 8 rental assistance.

The Section 8 Division shall take affirmative actions to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income, are less likely to apply for Section 8 rental assistance. The Section 8 Division may hold meetings concerning the Section 8 programs with local social community agencies.

**SECTION II. Fair Housing Policy and Equal Opportunity Housing Plan.**

1. Fair Housing Policy: The Fair Housing Policy of the Section 8 Division is to comply fully with all Federal, State, and local nondiscrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment and with the Americans with Disabilities Act. Specifically, the Section 8 Division shall not on the basis of race, color, religion, sex, handicap, familial status, and national origin, deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Programs, within the requirements and regulations of HUD and other regulatory authorities. To further its commitment to full compliance with applicable Civil Rights laws, the Section 8 Division will provide access to information to Section 8 participants regarding "discrimination". Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicants/participants file.

For families and/or individuals who report apparent discrimination in obtaining assisted housing, the Section 8 Division shall assist them by providing the family/individual with a HUD Housing Discrimination Complaint Form, HUD-903. The individual can complete this form and report apparent discrimination to the Birmingham HUD Office of Fair Housing and Equal Opportunity.

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

- A. The fair housing act, 42 U. S. C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
- B. Title VI of the Civil Rights Act of 1964, 42 U.S. C. 2000d (implementing regulations at 24 CFR part I);

- C. The age discrimination act of 1975, 42 U. S. C. 6101-6107 (implementing regulations at 24 CFR, part 146);
- D. Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR1253(1980), as amended, Executive Order 12892, 59FR 2939 (1994) (implementing regulations at 24 CFR, Part 107);
- E. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (implementing regulations at 24 CFR, part 8; and
- F. Title 11 of the Americans with Disabilities Act, 42 U.S. C.12101, et seq.

3. Equal Opportunity Posting Requirements:

There shall be maintained in the Section 8 Division waiting room a bulletin board, which will accommodate the following posted materials-

- A. Statement of Policies and Procedures Governing the Section 8 Administrative Plan
- B. Open Occupancy Notice (Applications being Accepted and/or Not Accepted)
- C. Income Limits for Admission.
- D. Utility Allowances.
- E. Informal Review and Hearing Procedure.
- F. Fair Housing Poster.
- G. "Equal Opportunity in Employment Poster".

**SECTION III. Privacy rights**

Applicants will be required to sign the Federal Privacy Act Statement which states under what conditions HUD will release information concerning Section 8 participants. Requests for information by other parties must be accompanied by a signed release request in order for the Section 8 Division to release any information involving an applicant or participant, unless disclosure is

authorized under Federal or State law or regulations (Reference HUD Form 9886).

#### **SECTION IV. Definition of terms**

Definitions effective from time to time are incorporated by reference as if fully set out herein.

1. Absorption: In portability, the point at which a receiving Section 8 Division stops billing the initial Section 8 Division for assistance on behalf of a portability family.
2. Adjusted Income: Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:
  - A. A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is:
    - (1) Seventeen (17) years of age or younger, or
    - (2) Who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
  - B. A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) under thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).
  - C. A deduction of \$400.00 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.
  - D. A deduction for any elderly family:
    - (1) That has no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.

(2) That has Handicapped Assistance Expenses greater than or equal to three (3%) percent of Total Annual Family Income, an Allowance for Handicapped Assistance computed in accordance with this Section, plus an allowance for medical expenses that is equal to the Family's medical expenses.

(3) That has Handicapped Assistance Expenses that are less than three (3%) percent of Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three (3%) percent of Total Annual Family Income.

E. A deduction for any family that is not an elderly family but has a handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expense in excess of three (3%) percent of Total Annual Family Income, but this allowance may not exceed the employment received by family members who are eighteen (18) years of age or older as a result of the Assistance to the Handicapped or Disabled person.

F. Child Care Expenses: Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges is determined by the Section 8 Division, by conducting surveys of local child care providers. The results are posted in the Section 8 Division office(s).

If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the Section 8 Division established minimum rent.

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

8. Amortization Payment: In a manufactured home space rental, the monthly debt service payment by the family to amortize the purchase price of the manufactured home.

9. Annual Contributions Contract (ACC): A written contract between HUD and Section 8 Division. Under the contract HUD agrees to provide funding for operation of the program, and the Section 8 Division agrees to comply with HUD requirements for the program.

10. Annual Income: Annual Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this policy. Annual Income includes, but is not limited to, the following: (Ref. CFR 5.609):

A. The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses);

B. Net income from the operation of a business or profession.

An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

C. Interest, dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). All allowance for depreciation is permitted only as authorized

in Paragraph "B" of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has Net Family Assets in excess of \$5,000.00, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD;

D. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment;

E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay,

F. Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that are subject to adjustment by the welfare assistance agency in accordance with the actual, cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus

(2) The maximum amounts that the welfare assistance agency could in fact allow the family for shelter and, utilities. If the % families' welfare assistance is ratably reduced from the standard of 'need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;

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

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

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

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

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

11. Applicant: (applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.

12. Budget Authority: An amount authorized and appropriated by the Congress for payment to Section 8 Division under the program. For each funding increment in an Section 8 Division program, budget authority is the maximum amount that may be paid by HUD to the Section 8 Division over the term of the funding increment.

13. Child - A member of the family, other than the family head or spouse, who is under 18 years of age.

14. Child Care Expenses: Child Care Expenses are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment. The Section 8 Division will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing child care.

15. Child Custody: An applicant/participant family who does not have 11 custody of a child/children may only claim a child as a dependent by the following:

- A. The applicant/participant must have primary custody of the child.
- B. The applicant/participant must provide sufficient evidence that the child would reside with the Section 8 participant.

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

16. Citizen: A citizen or national of the United States.

17. Common Space: In shared housing: Space available for use by the assisted family and other occupants of the unit.

18. Contiguous Metropolitan Statistical Area (MSA): In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial Section 8 Division is located.

19. Continuously Assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Section 8 program.
20. Contract Authority: The maximum annual payment b HUD to Section 8 Division for a funding increment.
21. Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 15 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.
22. Disabled Person: (See "Handicapped Person")
23. Displaced Family: A person, or family, displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
24. Domicile: The legal residence of household head or spouse as determined in Accordance with State and local law.
25. Drug-Related Criminal Activity: Term means:
  - A. Drug-trafficking, which is: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the controlled substances act (21 U. S. C. 802), or
  - B. 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).

26. Elderly Family: A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, or disabled, or handicapped and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

27. Elderly Person: A person who is at least sixty-two (62) years of age.

28. Evidence of Citizenship or Eligible Immigration Status - The documents, which must be submitted to evidence citizenship or eligible immigration status (Reference CFR 5.508(b)).

29. Fair Market Rent (FMR), The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the Federal Register in accordance with 24 CFR, part 888.

30. Family - (See Below) the term "family" as used in this policy means:

A. Two or more persons related by blood, marriage, or by operation of law. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size); who live regularly together as a single household in the dwelling unit. By definition, a family must contain a competent adult of at least 19 years of age or 18 years of age and married (not common law) to enter into a contract and capable of functioning as the head of the household. If an individual is 18 and qualifies under the definition of family by being married, the head of household and the spouse must be parties to the lease. There must be some concept of family living beyond the mere sharing or intention to share housing accommodations by

two or more persons to constitute them as a family within the meaning of this policy. Some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family and
- G. A single person who is not elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided (for tenant-based assistance) housing assistance for which the family unit size exceeds the one bedroom level (Ref. 982.207 Housing assistance limitation for single persons, published in the Federal Register on 2/13/96).

31. Family self-sufficiency (FSS) Program: The program established by Section 8 Division to promote self-sufficiency of assisted families, including the provision of supportive services (42 U. S. C. 1437u). Reference 24 CFR, part 984.

32. Family Share: The portion of rent and utilities paid by the family.

33. Family Unit Size: The appropriate number of bedrooms for a family. The Section 8 Division under the Section 8 subsidy standards determines family unit size.

34. FMR/Exception Rent Limit: The Section 8 Existing Housing fair market rent published by HUD Headquarters, or any exception rent. For a tenancy in the voucher program the Section 8 Division may adopt a payment standard up to the FRM/exception limit.

35. Foster Children: With the prior written consent of the Section 8 Division, a foster child may be added as a Section 8 participant. The factors considered by the Section 8 Division in determining whether or not consent is granted may include:

A. Whether the addition of a new occupant may require the issuance of a new certificate or voucher, and whether such documents are available.

B. The Section 8 landlord's obligation to allow reasonable accommodation for handicapped persons.

36. Full-time Student: A member of a family (other than the head of household or spouse) who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with diploma, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.

37. Funding Increment: Each commitment of budget authority by HUD to a Section 8 Division under the consolidated ACC for the Section 8 Division program.

38. Gross Rent: The sum of the rent to owner plus any utility allowance.

39. Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-aid).

40. Handicapped Assistance Expense: Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the

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

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

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

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

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

A person who is under disability as defined in Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970: "A disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary (of Health and Human Resources) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has

continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual”.

42. Hazardous Duty Pay: Pay to a family member in the Armed Forces away from home and exposed to hostile fire.

43. Head of Household: The adult member of the family who is the head of the household for purpose of determining income eligibility and rent. Also, the held of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.

44. Homeless Family: Any individual or family who:

- A. Lacks a fixed, regular, and adequate nighttime residence;
- B. Has a primary nighttime residence that is:

- (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);

- (2) An institution that provides a temporary residence for individuals intended to be institutionalized,- or

- (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

C. A homeless family does not include:

- (1) Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or

- (2) Any individual who is a Single Room Occupant that is not considered substandard housing as defined in 83 below.

45. Housing Agency (Section 8 Division): Housing Agency (formerly Public Housing Agency (PHA), PHA and Section 8 Division are the same thing as per the Municipality of Río Grande purposes and for HUD purposes). A State,

municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

46. Housing Assistance Payment by Section 8 Program: The monthly, assistance payment by Section 8 Division. The total assistance payment consists of:

- A. Payment to the owner for rent to owner under the family's lease.
- B. An additional payment to the family if the total assistance payment exceeds the rent to owner. In the certificate program, the additional payment is called a "utility reimbursement". The Section 8 Division may elect to pay the appropriate amount directly to the utility provider.

47. Housing Assistance Payment (Section 8 Program) Contract: A written contract between an Section 8 Division and an owner, in the form prescribed by HUD, in which the Section 8 Division agrees to make housing assistance payments to the owner on behalf of an eligible family.

48. Housing Quality Standards (HQS): The HUD minimum quality standards for housing assistance under the tenant-based programs.

49. HUD - Housing & Urban Development: The U. S. Department of Housing and Urban Development.

50. HUD Requirements: HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

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

- A. Temporary: Casual, sporadic, temporary, nonrecurring income, including gifts.

B. Medical Reimbursements: Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical care.

C. Lump-sum additions to family assets: Such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.

D. Scholarships: Full amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States government to a veteran for use in meeting the cost of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student.

E. Relocation payments: Made pursuant to Title 11 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).

F- Nutrition Assistance Program –PAN (Food Stamps): The value of the dollar assistance for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 [7 USC 2017(b)].

G. Domestic Volunteers Service Act: Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044(g), 5058].

H. Work Incentive Act: Payments received from the WIA Act [29 USC 1552(b)].

I. Hazardous Duty Pay: For a family member in the Armed Forces away from home and exposed to hostile fire.

J. Minor Income: Income from employment of children (including foster children) under the age of eighteen (18).

K. Foster Care: Payment received for the care of foster children.

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

M. Older Americans Act: Payments from Programs under Title V of The Older Americans Act of 1965 [42 U.S.C. 3056(f)]

N. HUD Training: Amounts received under training programs funded by the Department of Housing and Urban Development.

O. Plan to Attain self-sufficiency: Amounts received by a disabled person that are disregarded for a limited time: for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain self-sufficiency (PASS).

P. Other Publicly Assisted Programs: Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.

Q. A Resident Service Stipend: A resident stipend is a modest amount (i.e., \$200 or less per month), received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and resident management. No resident may receive more than one such stipend during the same period of time. The exclusion exempts resident service stipends from annual income, but only if the resident service stipend does not exceed \$200 per month. Compensation from state or local employment training programs and the training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance.

R. Adoption Assistance Payments: Income payments received for the care of adopted children to the extent that the payments exceed \$480 per adopted child.

S. Student Financial Assistance. This exclusion exempts from annual income all amounts received from student financial assistance. Student financial assistance is interpreted broadly to include various scholarships, educational entitlements, grants, work-study programs and financial aid packages.

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

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

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

compensation received from on-the-job training and during apprenticeship programs.

W. Home Care Payments for Developmentally Disabled Children or Adult Family Members: This exclusion exempts amounts paid by a state agency to families who have developmentally disabled children or adult family members living at home. States that provide families with home care payments do so to offset the cost of services and equipment needed to keep a developmentally disabled family member at home.

52. Infant: A child under the age of two years.

53. Initial Lease Term: The initial term of the assisted lease. The initial lease term must be for at least one year.

54. Initial Payment Standard: The payment standard at the beginning of the Section 8 Program contract term.

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

56. Interim Re-determination of Rent- Changes of rent between admissions and reexaminations and the next succeeding reexamination.

57. INS - The U. S. Immigration and Naturalization Service.

58. Jurisdiction: The area in which the Section 8 Division has authority under State and local law to administer the program.

59. Lease:

- A. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for

occupancy of the dwelling unit by a family with housing assistance payments under a Section 8 Program contract between the owner and the Section 8 Division.

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

61. Live in Aide: A person who resides with an Elderly, Disabled, or Handicapped person or persons and who:

A. Is determined by the Section 8 Division to be essential to the care and well being of the person(s),

B. Is not obligated for support of the person(s),

C. Would not be living in the unit except to provide supportive services.

The income of a Live-in-aide that meets these requirements is not included as income to the tenant family; and,

D. A Live-in-Aide must be approved, in advance, by the Section 8 Division.

62. Low-income Family: A family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD with adjustments for smaller and larger families. (Section 982.201 (b) describes when low-income families are income-eligible for admission to the voucher program).

63. Medical Expense: Those necessary medical expenses, including medical insurance premiums, that are anticipated during, the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only.

64. Military Service: Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast

Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.

65. Minimum Rent: Families assisted under the Public Housing program pay a monthly "minimum rent" of not more than \$60.00 per month. The Section 8 Division has the discretion to establish the "minimum rent from \$0 up to \$50.

66. Minimum Rent Hardship Exemptions: The Section 8 Division shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:

- A. The family has lost eligibility for, or is awaiting an edibility determination for a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- B. The family would be evicted as a result of the implementation of the minimum rent.
- C. The income of the family has decreased because of changed circumstance, including loss of employment.
- D. A death in the family has occurred which affects the family circumstances.
- E. Other circumstances which may be decided by the Section 8 Division on a case by case basis.

All of the above must be proven by the Resident providing verifiable information in writing to the Section 8 Division prior to the rent becoming delinquent and before the lease is terminated by the Division.

If a resident requests a hardship exemption, prior to the rent being delinquent, under this section, and the Section 8 Division reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A resident

72. Net Family Assets: Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks, bonds, cash on hand, and other forms of capital investment, equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under control of, any minor under 18 years of age. Provided, that a married person 18 years of age or older shall be considered to be the age of majority. An unborn child not to be counted as a minor.

58. Mixed Family - A family whose members include those with citizenship or may not be evicted during the ninety-day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the Section 8 Division shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety day period. This Paragraph does not prohibit the Section 8 Division from taking eviction action for other violations of the lease

continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income. In determining Net Family Assets, this Section 8 Division shall include the value of any business or family assets disposed of by an applicant or Tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or Tenant receives important consideration not measurable in dollar terms.

73. Non-citizen: A person who is neither a citizen nor national of the United States.

74. Notice of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the federal register document that invites applications for funding. The document explains how to apply for assistance and the criteria for awarding the funding.

75. Owner: Any person or entity with the legal right to lease or sublease a unit to a participant.

76. Participant: A family that has been admitted to the Section 8 Division program, and is currently assisted in the program. The family becomes a participant on the effective date of the first Section 8 Program contract executed by the Section 8 Division for the family.

77. Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial Section 8 Division.

78. Preference: At the option of the Section 8 Division, a preference system can be used to select among applicant families.

79. Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.

80. Program: The tenant-based voucher program.

81. Project Based: Rental assistance that is attached to the structure.

82. Reasonable Rent: A rent to owner that is not more than either:

- A. Rent charged for comparable units in the private unassisted market; or
- B. Rent charged by the owner for a comparable unassisted unit in the building or premises.

83. Re-certification: Is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.

84. Re-examination Date: The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent.

85. Remaining Member of the Tenant Family: The person(s) of legal age remaining in the subsidized unit after the persons(s) who signed the voucher has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstance. An individual must have received housing subsidy under the program to which he/she claims head of household status for one year before becoming eligible for Section 8 subsidy as a remaining family member This person must complete forms necessary for Section 8 assistance within ten calendar days from the departure of the lease holder and

may remain in the unit for a reasonable time (not more than 60 calendar days for the date individual request head of household status) pending the verification and hearing process. This person must, upon satisfactory completion of the verification process, then execute all required Section 8 subsidy documents and cure any monetary obligations in order to maintain assistance. Any person, who claims him or herself, as a remaining member shall, in the event that the Section 8 Division declares him or her ineligible for remaining member status, be entitled to an informal hearing.

86. Rent to Owner: The total monthly rent payable to the owner under the lease for the unit. Rent to Owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

87. Residency Preference: A 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.

88. Residency Preference Area: The specified area here families must reside to qualify for a residency preference.

89. Single Person: A person who lives alone or intends to live alone, and who does not qualify as an elderly family or a displaced person, or as the remaining member of a tenant family.

90. Single Room Occupant (SRO): Single Room Occupancy (SRO) Housing is a unit which does not contain sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and is suitable for occupancy by an eligible individual who is capable of independent living. SRO Housing is not substandard solely because does not contain sanitary facilities or food preparation facilities, or both.

91. Special Admission: Admission of an applicant that is not on the Section 8 Division waiting list, or without considering the applicant's waiting list position.

92. Spouse: A spouse is the legal husband or wife of the head of the household. This includes common law marriage.

93. Subsidy Standards: Standards established by an Section 8 Division to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and composition.

94. Suspension: Stopping the clock on the term of a family's certificate or voucher on the date that the Section 8 Division receives the request for lease approval by the family.

95. Temporarily Absent Family Members: Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.

96. Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

97. Tenant-Based: Rental assistance that is not attached to the structure.

98. Tenant Rent: The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. The tenant payment is the amount the tenant pays toward rent and allowance for utilities. To arrive at tenant rent, the utility allowance is subtracted from total tenant payment or minimum rent. If the utility allowance is greater than the total tenant payment or minimum rent, the tenant rent is zero and there is a utility reimbursement payment (URP). The URP is the difference between the total tenant payment or minimum rent and the utility allowance.

99. Total Tenant Payment (TTP): The TTP for families participating in the moderate rehabilitation programs must be at least \$60.00, which is the minimum rent established by the Section 8 Division.

A. For the Moderate Rehabilitation Programs, the TTP must be the greater of:

- (1) 30 percent of family monthly adjusted income;
- (2) 10 percent of family monthly income,
- (3) Welfare rent (if applicable) in as-paid states; or
- (4) \$60.00, which is the minimum rent set by the Section 8 Division.

B. For the Voucher Program.

(1) The TTP is the same as A (1), (2) and (3) above. The utility allowance is applicable for the Voucher Program. Voucher families will pay the owner the difference between the monthly to owner and the housing assistance payment. Voucher families will also pay the cost of tenant-furnished utilities under the lease (Reference Notice 96-7 (Section 8 Division) for Section 8 Voucher Program Minimum Rent Calculation Worksheet).

(2) For families admitted to the program after 12/2011998, and when the Section 8 Division adopted payment standard exceeds the gross rent and the family remains in the same unit or complex the gross rent will be used as the payment standard.

100. Utilities: Utilities may include water, electricity (including air conditioning if applicable. See CFR 982.517), gas, garbage, and sewage services and where applicable, trash and garbage collection.

107. Waiting List Admission: An admission from the Section 8 Division waiting list.

108. Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or Local governments.

**SECTION V. Applying for Assistance.**

1. How to apply:

- A. Families wishing to apply for housing assistance shall complete an application for public assistance.
- B. Applications will be accepted at the following location: Municipality of Río Grande, Section 8 Program, Former Municipal Hospital.
- C. Applications are taken to compile a waiting list.
- D. Completed application will be accepted for all applicants and the Section 8 Division will verify the information.
- E. Application may be made in person at the Section 8 Division during specified dates and business hours posted at the Section 8 Division.
- F. The application must be dated, time-stamped, and referred to the Section 8 Division where Section 8 applications are processed.
- G. Individuals who have a physical impairment that would prevent them from completing an application in person may call the Section 8 Division to make special arrangements to complete their application.

2. Closing of application taking: If the Section 8 Division is taking applications it may suspend the taking of applications if the waiting list is such that additional applicants would not be able to be housed within the next 12 month period.

3. Opening of Application Taking: When the Section 8 Division decides to start taking applications the following procedures will be followed:

A. The Section 8 Division will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the availability and nature of housing assistance for eligible families.

B. The Notice must contain the following:

(1) The Section 8 Division will publish the date applications will be accepted and the location where applications can be completed.

(2). If the Section 8 Division anticipates suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.

(3). Advise families that applications will be taken at the designated office;

(4). Briefly describe the Housing Assistance program; and

(5). State that applicants for Section 8 assistance must specifically apply for Section 8 assistance and that applicants may also apply for Public Housing and they will not lose their place on the Section 8 Housing waiting list if they also apply for Public Housing.

C. To reach persons who cannot read the newspapers, the Section 8 Division will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

4. Application Period (Dates): The application taking closing date may be determined administratively at the same time that the Section 8 Division determines to open enrollment. The open enrollment period shall be long enough to allow enough applicants as required by the projected turnover and the number of Section 8 Housing Vouchers allocated.

**SECTION VI. Missed Appointments for Applicant or Participant.**

1. Missed Appointment Without Notification: An applicant or person receiving assistance who fails to keep an appointment without notifying the Section 8 Division and without re-scheduling the appointment shall be sent a notice of termination of the process or assistance for failure to supply such certification, release of information or documentation as the Section 8 Division or HUD determines to be necessary; or failure to allow the Section 8 Division to inspect the dwelling unit at reasonable times and after reasonable notice, if applicable, in the following situations:
  - A. Complete Application
  - B. Bringing in Verification Information Program Briefing
  - C. Program Briefing
  - D. Leasing Signature Briefing
  - E. HQS Inspections
  - F. Re-certification
  - G. Interim Adjustment
  - H. Other Appointments or Requirements to Bring in Documentation as Listed in this Plan
  - I. Scheduled Counseling Sessions.
  
2. Process when Appointment(s) are Missed: For Most Of the functions above, the family may be given two appointments. If the family does not appear or call to reschedule the appointment(s) required, the Section 8 Division may begin the termination process. The applicant or participant will be given an opportunity for an informal review or hearing pursuant to Section XI.

If the representative of the Section 8 Division makes a determination in favor of the applicant or participant, the Section 8 Division will comply with decision unless the Section 8 Division is not bound by a hearing decision concerning a matter for which the Section 8 Division is not required to provide an opportunity for a hearing pursuant to 24 CFR 982.554(c) and 982.555(b).

3. Letters Mailed to Applicants by the Section 8 Division: If an applicant claims they did not receive a letter mailed by the Section 8 Division, that requested the applicant to provide information or to attend an interview, the Section 8 Division will determine whether the letter was returned to the Section 8 Division. If the letter was not returned to the Section 8 Division, the applicant will be assumed to have received the letter.

If the letter was returned to the Section 8 Division and the applicant can provide evidence that they were living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the applicant in effect at the time the letter was sent.

Applicants must notify the Section 8 Division, in writing, if their address changes during the application process.

#### **SECTION VII. Misrepresentation by the applicant or Participant.**

If an applicant or Section 8 participant is found to have made willful misrepresentations at any time which resulted in the applicant or Section 8 participant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and will be terminated because of the act of fraud. If such misrepresentation resulted in the Section 8 participant paying a lower rent than was appropriate, the Section 8 participant shall be required to pay the difference between the actual payments and the amount which should have been paid. In justifiable instances, the Section 8 Division may take such other actions as it deems appropriate, including referring the Section 8 participant to the proper authorities for possible criminal prosecution.

#### **SECTION VIII. Section 8 Eligibility Criteria.**

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

- A. The applicant family's Annual Income as defined in Section IV.

B. The applicant family's Annual Income as defined in Section IV, must not be more than income limits established by HUD for the Section 8 Programs.

C. Head of Household must be:

- (1) 19 years of age or older,
- (2) 18 years of age and married (not common law), or
- (3) A person that has been relieved of the disability of non-age by a juvenile court.

2. Ineligible: Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on a waiting list or offered Section 8 assistance if the applicant's annual family income exceeds the Income Limits established by HUD and published in the Federal Register. The applicant will be declared ineligible.

3. Informed of Ineligibility. If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten days from the date stated on the ineligible letter to request an informal meeting. The applicant may bring any person he/she wishes to represent them at the informal meeting. The request for an informal meeting may be submitted in writing and/or the request may be verbal. However, the request must be received by the Section 8 Division within the time frame established by the Section 8 Division for the meeting.

4. Single Person: The Section 8 Division is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family (Ref CFR 5.403). Single persons are only eligible for a one bedroom voucher.

5. Declaration of Citizenship: Section 214 of the Housing and Community Development Act of 1980 prohibits Section 8 Division from making financial assistance available to a person other than United States citizens, nationals, or certain categories of

eligible noncitizens in HUD's assisted housing programs. This law is referred to as the "Noncitizens Rule" and is effective June 19, 1995.

6. Adding a Person to the Program: Once an applicant becomes a participant in the Section 8 Division tenant-based program, the head of household must request permission to add another person to the program (Except for birth, adoption or court-awarded custody of a child). The person being added must meet all eligibility requirements before the Section 8 Division will approve any addition to the tenant-based program.

**SECTION IX. Verification and Documentation.**

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

1. Social Security Number (SSN): Submit SSN; or sign a certification if they have not been assigned a SSN. If the individual is under 18, his or her parent or guardian must execute the certification. If the participant who has signed a certification form obtain a SSN, it must be disclosed at the next regularly schedule reexamination, or next rent change. Verification will be done through the providing of a valid Social Security card issued by the Social Security Administration.

The Section 8 Division will accept copies of the Social Security card only when it is necessary for the Section 8 Division to verify by mail the continuing eligibility of participating families.

If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by the Section 8 Division to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided. These documents include:

- ❖ Drivers license, that displays the SSN.

- ❖ Identification card issued by a Federal, State or local agency.
- ❖ Identification card issued by an employer or trade union.
- ❖ Identification card issued by a medical insurance company.
- ❖ Earnings statements or payroll stubs Bank statements.
- ❖ IRS Form 1099, or W-2 Form.
- ❖ Benefit award letters from government agencies.
- ❖ Medicaid Cards.
- ❖ Unemployment benefit letter.
- ❖ Retirement benefit letter.
- ❖ Life insurance policies.
- ❖ Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records.
- ❖ Verification of Social Security benefits with the Social Security Administration.

Applicants may not become participants until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances require an extension. The decision will be made by a Section 8 Division representative and documented, in writing, and placed in the applicant's file.

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

3. Additional Documentation: That may be required in determining eligibility:

- ❖ Temporary Assistance To Needy Families (TANF).
- ❖ Birth Certificate or Drivers License that displays the date of Birth and/or form (s) that are issued by a Federal, State, City or County Agency that displays the date of Birth.
- ❖ Child Care Verification.
- ❖ Credit References/history.

- ❖ Employers Verification.
- ❖ Landlord Verification.
- ❖ Social Security Benefits.
- ❖ Assets Verification.
- ❖ Bank Accounts: Checking Accounts - \$500 + Balance.
- ❖ Saving Accounts - \$1 00 +Balance.
- ❖ Marriage Certificate: If a marriage certificate is not available the following information is acceptable.
- ❖ Drivers License that displays the same address and last names.
- ❖ Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax reporting period.
- ❖ Other acceptable forms of documentation of marriage would include any document that has been issued by a Federal, State, City of County Government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple.
- ❖ The couple also certifies in their application for housing that they are married.
- ❖ Personal References: Personal references (other than from family members) may be used when an applicant cannot produce prior rental history records. Personal References must be notarized.
- ❖ Police Report(s).
- ❖ Current reports from drug treatment centers or facilities.
- ❖ Supplemental Social Security Income (SSI) Benefits.
- ❖ Unemployment Compensation.
- ❖ VA Benefits.
- ❖ Documentation to support medical expenses.

- ❖ Any other reasonable information needed to determine eligibility may be requested by the Section 8 Division.

For the purpose of this plan, if a member of the current family has committed acts of fraud or has an arrest record, including a drug related arrest, that reflect that the family member may be danger to the health, safety, or welfare of the community then that person will not be allowed to be participant on the program. The Section 8 Division shall prohibit assistance too any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

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

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

- A. A FINAL divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.
- B. Receiving court-ordered child support from former spouse.
- C. Verification that applicant is pursuing child support through Department of Family Services, ASUME.
- D. If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system.
- E. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
- F. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
- G. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.

- H. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
- I. Nutrition Assistance (PAN) Verification if no other documentation is available.

5. Separation - No Children: If applicant is separated from a person and has no children by that person, applicant must provide at least one of the verifications listed below:

- A. FINAL divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.
- B. Receiving court-ordered child support from former spouse.
- C. Verification that applicant is pursuing support through Department of Family Services.
- D. If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system.
- E. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
- F. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
- G. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.
- H. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
- I. Nutritional Assistance (PAN) Verification, if no other documentation is available.

6. U. S. Citizenship Verification and Appeal Procedures: The Section 8 Division must follow the verification procedures, to be provided by HUD, and verify the person or persons declaration of U. S. citizenship.

Once the verification is completed and the applicant(s) meets all other conditions for occupancy, the application will be processed for assistance.

If not confirmed U. S. citizenship, the Section 8 Division must request that a manual search be conducted of INS records. The Section 8 Division must request the secondary verification (manual search) by INS within ten calendar days of receipt of the initial failed verification. INS will issue a decision within 30 days of its receipt of the request for a secondary verification. If the secondary verification fails to confirm eligible immigration status, the Section 8 Division shall notify the family of the right of appeal to INS. If INS is unable to issue a decision within 30 days, the INS will inform the family and the Section 8 Division of the reasons for the delay. When the Section 8 Division receives a copy of the INS decision; and the decision does not confirm the declaration of U. S. citizenship; the Section 8 Division will notify the family of its right to request an informal hearing. The informal hearing will be conducted in accordance with procedures established in this Plan.

A. Assistance to an applicant may not be delayed, denied, or terminated, if:

- (1) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
- (2) The family member of whom required evidence has not been submitted has moved;
- (3) The family member who is determined not to be in an eligible immigration status following INS verification has moved;
- 4) The INS appeals process has not been concluded;
- (5) For a tenant, the Section 8 Division hearing process has not been concluded;
- (6) Assistance is prorated;
- (7) Assistance for a mixed family is continued.

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

- (1) Evidence of citizenship (i.e., the declaration) is not timely submitted;

- (2) Evidence of citizenship and eligible immigration status is timely submitted but INS primary and secondary verification does not verify eligible immigration status;
- (2) The family does not pursue INS appeal or Section 8 Division informal hearing rights;
- (4) INS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.

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

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

7. Criminal Records Management Policy: All adult applicants and tenants shall complete an "Authorization for Release of Police Record." The Section 8 Division shall request an National Crime Information Center (NCIC) check for criminal history for an applicant or tenant. Applicants and tenants may be requested to furnish fingerprints for this purpose through the local law enforcement office to be sent to the FBI. NCIC information shall be furnished to the Section 8 Division pursuant to the agreement between the U.S. Department of Housing and Urban Development and the U. S. Department of Justice Regarding Access to National Crime Information Center Data.

For the purpose of screening applicants, lease enforcement and eviction the Section 8 Division or its Agents will attempt to obtain NCIC reports and any police records from law enforcement agencies related to a persons criminal conviction records for persons eighteen (18) years of age or older. The Section 8 Division may also request this information for juveniles, to the extent that state, local, or tribal laws do not prohibit the release of such information.

Before the Section 8 Division takes any adverse action based on a criminal conviction record, must provide the applicant or tenant with a copy of the criminal record

and an opportunity to dispute the accuracy or relevancy of the record. For applicants, the copy will be provided at a hearing. The hearing is afforded to each applicant that is denied admission and provides the applicant the opportunity to dispute any information used to deny an applicant housing assistance. For participants, the copy will be provided in accordance with the Section 8 Division Informal Review or Hearing Procedure.

The Section 8 Division will keep all criminal records received confidential and not misuse or improperly disseminate the information. Criminal records of any adult applicant/tenant which are used as the basis of denying tenancy or eviction are confidential and shall not be disclosed to any person or entity other than for official use or for use in court proceedings. The term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law. Said records shall be maintained in separate files and shall be kept in a locked, secure location. Access shall be limited to those employees approved by the Division Director.

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

The Section 8 Division will work through their local law enforcement agencies to obtain information from NCIC. Also, the Section 8 Division may pay reasonable fees charged by law enforcement agencies that provide the information. The applicant or tenant may not be charged for any expenses related to the investigation.

**SECTION X. Grounds for Denial or Termination of Assistance.**

1. Denied Admission: The Section 8 Division may deny an applicant admission to participate in the Section 8 Program or, with respect to a current participant, may refuse to issue another Voucher for a move to another unit, approve a new lease, or execute a new contract for the Section 8 participant, if the applicant or participant:  
(Ref: 24 CFR 982.552).
  - A. Owes rent, other amounts, or judgment to any Section 8 Division or any other federally subsidized housing program, the applicant will be declared

ineligible. At the Section 8 Division discretion, the applicant will be declared eligible upon payment of the debt, with the date and time of application being the time of payment and meeting other criteria. Applicants that owe a Section 8 Division or any other federally subsidized program funds will not be processed for receiving assistance. The applicant must pay the funds owed prior to the application being processed. Re-paying funds that are due does not necessarily qualify an applicant for housing assistance. Such payments will be considered along with other factors in the application process. Any money owed to a Section 8 Division which has been discharged by bankruptcy shall not be considered in making this determination.

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

composition or any other information affecting eligibility will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the assistance will be terminated for such misrepresentation.

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

2. Notification of Denial- If an applicant is denied admission, the Section 8 Division will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal review on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal review (verbal and/or in writing) with the Section 8 Division (Reference Section XI)
  
3. Time Frames for Denial: As a general rule applicants may be denied admission to the Section 8 programs for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:
  - A. Denied admission for one year for violation of certificate/voucher and illegal use, or possession for personal use, of a controlled substance or alcohol.
  - B. Denied admission for three (3) years for the following:  
Persons evicted from public housing, Section 8, programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction. The Section 8 Division can waive this requirement if: the person demonstrates to the Section 8 Division satisfaction successful completion of a rehabilitation program approved by the Section 8 Division or the circumstances leading to the eviction no longer exist.
  - C. Denied admission for five (5) years for the following:
    - (1) Fraud (giving false information on the application is considered fraud).
    - (2) An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.
  - D. Denied admission for ten (10) years for a conviction of Drug Trafficking.
  - E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

- F. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as ('speed') on the premises of the assisted housing. A premise is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

**SECTION XI. Applicant denied assistance and provided opportunity for informal review or participant assistance is terminated and provided opportunity for informal hearing.**

1. Applicant Informal Review: The Section 8 Division must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the Section 8 Division decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review. The request must be in writing and presented to the Section 8 Division within ten days of the notice of denial.

A. Informal Review Process: The Section 8 Division must give an applicant an opportunity for an informal review of the Section 8 Division decision denying assistance to the applicant. The review may be conducted by any person or persons designated by the Section 8 Division, other than a person who made or approved the decision under review or a subordinate of this person. The applicant must be given an opportunity to present written or oral objections to the Section 8 Division decision. The Section 8 Division must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision.

B. Informal Review Not Required: An informal review is not required to be given by the Section 8 Division in the following circumstances:

- (1) Discretionary administrative determinations by the Section 8 Division.

- (2) General policy issues or class grievances.
- (3) A determination of the family unit size under the Section 8 Division subsidy standards.
- (4) A Section 8 Division determination not to approve the suspension or extension of a voucher term.
- (5) A determination not to grant approval to lease a unit under the program, or to approve a proposed lease.
- (6) A determination that a unit selected by the applicant is not in compliance with HQS.
- (7) A determination that the unit is not in accordance with HQS because of the family size or composition.

2. Participant Informal Hearing: The Section 8 Division must give an opportunity to the participant for an informal hearing to consider whether the Section 8 Division decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Section 8 Division policies under the following circumstances:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance for tenant-paid utilities from the Section 8 Division utility allowance schedule.
- A determination of the family unit size under the Section 8 Division subsidy standards,
- A determination that the family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Section 8 Division subsidy standards, or the Section 8 Division determination to deny the family's request for an exception from the standards.
- A determination to terminate assistance for a participant family because of the family's action or failure to act.
- A determination to terminate assistance because the participant family has been absent from the assisted unit for more than fourteen days in a calendar year.

3. Notice to the Family: The Section 8 Division must notify the family that the family may ask for an explanation of the basis of the Section 8 Division determination, and if the family does not agree with the determination, the family may request an informal hearing on the decision. The housing authority must give the family prompt written notice that the family may request a hearing, and this notice must contain a brief statement of the reasons for the decision, state that if the family does not agree with the decision, the family may request an informal hearing on the decision. The family has ten days from the date of the notice to request in writing an informal hearing. The hearing will be scheduled by the Section 8 Division within ten days from the date of the request.
  
4. Hearing Procedures: The Section 8 Division must give the participant an opportunity for an informal hearing of the Section 8 Division decision terminating assistance to the participant. The hearing may be conducted by any person or persons designated by the Section 8 Division, other than a person who made or approved the decision under review or a subordinate of this person. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the Section 8 Division hearing procedures. The Section 8 Division and the participant shall each have the right to review any and all relevant documents, which may be used in the hearing. If these documents are not made available for review, they may not be used in the hearing. Any fees for copying or procuring the documents shall be at the expense of the requesting party. The participant may be represented by a lawyer or other representative at the hearing. Costs of representation shall be the responsibility of the participant. The participant must be given an opportunity to present written or oral objections to the Section 8 Division decision. The Section 8 Division and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Section 8 Division must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision. Factual determination

relating go the individual circumstances of the family shall be based upon a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

**SECTION XII. Section 8 Applicant Selection Process.**

1. Housing Voucher Selection and Participation Process:

A. Equal Opportunity: The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This Section 8 Division shall not deny any family the opportunity of applying for Housing Voucher.

B. Types of Selection: The Section 8 Division may admit an applicant for participation in the program either:

- (1) As a special admission (see definition below.), or
- (2) As a waiting list admission. Also, a Section 8 Participant is responsible for finding an existing housing unit suitable to the holder's needs and desires (Reference 24 CFR 982.353, where family can lease a unit).

C. Special Admissions: If HUD awards the Section 8 Division program funding that is targeted for families living in specified units:

- (1) The Section 8 Division must use the assistance for the families living in these units.
- (2) The Section 8 Division may admit a family that is not on the Section 8 Division waiting list, or without considering the family's waiting list position. The Section 8 Division must maintain records showing that the family was admitted with HUD-targeted assistance.
- (3) For housing covered by the Low-income Housing Preservation and Resident Home ownership Act of 1 990 (41 U.S.C. 41 01 et seq.):
- (4) A family residing in a project covered by a project-based Section 8 Program contract at or near the end of the Section 8 Program contract term; and

(4) A family residing in a project covered by a project-based Section 8 Program contract at or near the end of the Section 8 Program contract term; and

(5) A non-purchasing family residing in a HOPE project.

2. Organization of the Waiting List: The Section 8 Division waiting list must contain the following information for each applicant listed:

A. Applicant name;

B. Family unit size (number of bedrooms for which family qualifies under Section 8 Division occupancy guidelines);

C. Date and time of application;

D. Local Preferences, if applicable.

3. Order of Selection from the Waiting List:

A. When a Housing Voucher is available, the Section 8 Division will select the family at the top of the waiting list in accordance with Section XII above. The order of admission from the waiting list MAY NOT be based on family size, or on the family unit size for which the family qualifies for under the Section 8 Division occupancy guidelines. If the Section 8 Division does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the Section 8 Division MAY NOT skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

B. Provided, however, the provisions of the De-concentration Rule, continued within this policy, shall supersede the selection of applicants based on date and time and local preference points, if applicable, and allow the Section 8 Division to skip families on the waiting list to accomplish this goal.

4. Maintaining the Waiting List: The Section 8 Division will remove an applicant name from the waiting list for the following:

5. Procedure for Removing and Applicants Name from the Waiting List: The applicant will be notified by the Section 8 Division, in writing, that they have ten (10) calendar days, from the date of the written correspondence, to respond to the Section 8 Division request. The correspondence will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The Section 8 Division systems of removing applicant's names from the waiting list WILL NOT violate the right of a disable person(s). If an applicant's failure to respond to a request from a Section 8 Division information or updates was caused by the applicant's disability, the Section 8 Division will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to a allow an applicant to be reinstated on the waiting list based on the original date and time of their application. If the applicant indicates that they did not respond due to a disability, and the disability is not apparent, the Section 8 Division may request the applicant to have a doctor submit written statement indicating that the applicant did not respond due to their disability.
6. Purging the Waiting List: To ensure that the Section 8 Division waiting list reflects the most current applicant information the waiting list will be updated and purged annually.
7. Verification of Preference (timing), if applicable: At the time of application, initial determinations of an applicant's entitlement to a Preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

**SECTION XIII. Orientation of families and issuance of housing voucher.**

1. Briefing: The purpose of the briefing is to go over the Housing Voucher holders packet in order to fully inform the participant about the program so that he/she will be able to discuss it with potential landlords.
2. Briefing Attendance Requirement: All families (head of household) are required to attend the briefing when they are initially issued a Housing Voucher. No Housing Voucher will be awarded unless the household representative has attended a briefing. Failure to attend a scheduled briefing (without notice to the Section 8 Division) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of an inability to attend a briefing will be scheduled for the next briefing. Failure of an applicant, without good cause, to participate in a scheduled briefing shall result in withdrawal of his/her application. The applicant will be notified of such withdrawal and determination of ineligibility and of his/her right to an informal review as outlined in Section XI above.
3. Format of the Briefing: When a Family initially receives its Housing Voucher, a full explanation (oral) of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions depending on the circumstances). Also, families will be given adequate opportunity to raise questions and to discuss the information listed below: (Reference 24 CFR 982.301).
  - A. A description of how the program works;
  - B. Family and Owner Responsibility; and
  - C. Where the family may lease a unit, including renting a dwelling unit inside or outside the Section 8 Division jurisdiction. For a family that qualifies to lease a unit outside the Section 8 Division jurisdiction under portability

procedures, the briefing must include a explanation of how portability works. The Section 8 Division may not discourage the family from choosing to live anywhere in the Section 8 Division jurisdiction, or outside the Section 8 Division jurisdiction under portability procedures.

- D. If the family is currently living in a high poverty census tract in the Section 8 Division jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.
- E. When issuing a Housing Voucher, the Section 8 Division shall give the Family a Section 8 Participant's Packet, which includes: (Reference 24 CFR 982.301).

(1) The term of the voucher is 60 days. A Voucher is valid for a period of 60 days from the date of issuance. Prior to expiration, the family may contact the Section 8 Division to inquire about assistance the Section 8 Division can provide the family in locating suitable housing. The family must submit a Request for Lease Approval within the 60-day period unless an extension has been granted by the Section 8 Division. Once the family has submitted a Request for Lease Approval the clock is stopped and/or suspended on the term of the voucher. When the clock is stopped, the time remaining days will be reinstated to the initial 60-day period of the Voucher, if necessary. If the unit is not approved for any reason, the remaining days will be reinstated to the initial term of the voucher. If the initial term is not adequate for finding a unit to lease, the family may request an extension of the initial term as described below.

(2) Requesting for extensions of the term. A family may request an extension of the Voucher time period. All requests for extensions should be received prior to the expiration date of the Voucher. Extensions are permissible at the discretion of the Section 8 Division primarily for the following reasons:

- (a) Extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which has affected the family's ability to find a unit within the initial 60-day time period. The Section 8

Division representative will verify the extenuating circumstances prior to granting an extension.

(b) The family has evidence that they have made a consistent effort to locate a unit and request support services from the Section 8 Division, throughout the initial 60-day period with regard to their inability to locate a unit.

(c) The family has turned in a Request for Lease Approval prior to the expiration of the 60-day time period, but the unit has not passed HQS.

(d) Time Period for extensions: A Section 8 Division representative may grant one or more extensions not to exceed a total of 60 days. The initial term plus any extensions May not exceed 120 calendar days for the beginning of the initial term.

(e) Extensions for Disabled Persons: The Section 8 Division representative must grant an extension of up to 120 days for persons who are disabled.

(3) How the Section 8 Division determines the housing assistance payment for a family;

(a) For the vouchers program, information on the payment standard and the Section 8 Division utility allowance schedule.

(4) How the Section 8 Division determines the maximum rent for an assisted unit;

(5) What the family should consider in deciding whether to lease a unit, including:

(a) The condition of the unit;

(b) Whether the rent is reasonable;

(c) The cost of any tenant-paid utilities and whether the unit is energy-efficient; and

(d) The location of the unit, including proximity to public transportation (if applicable), centers of employment, schools and shopping.

(6) Where the family may lease a unit. For a family that qualifies to lease a unit outside the Section 8 Division jurisdiction under portability procedures, the information packet must include an explanation of how portability works;

(7) The HUD-required 'lease addendum' (The lease addendum is the language that must be included in the lease).

(8) The form of request for lease approval and an explanation of how to request Section 8 Division approval to lease a unit;

(9) A statement of the Section 8 Division policy on providing information about a family to prospective owners;

(10) The Section 8 Division subsidy standards, including when the Section 8 Division will consider granting exceptions to the standards;

(11) The HUD brochure on how to select a unit;

(12) The HUD lead-based paint (LBP) brochure;

(13) Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form;

(14) A list of landlords or other parties know to the Section 8 Division who may be willing to lease a unit to the family, or help the family find a unit;

(15) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the Section 8 Division that may be available;

(16) Family obligations under the program;

(17) The grounds on which the Section 8 Division may terminate assistance for a participant family because of family action or failure to act; and

(18) The informal hearing procedures. This information must describe when the Section 8 Division is required to give a participant family the opportunity for an informal hearing, and how to request a hearing.

4. Approval of Lease and Execution of Related Documents: Reference: 24 CFR 982.302 and 982. 305

When a family finds a unit, and the owner is willing to lease the unit under the program, the family may request the Section 8 Division to approve the lease and unit. The Section 8 Division shall follow the following steps:

- A. If the Section 8 Division determines that a unit which an Eligible Family wishes to lease meets HQS and the proposed Lease is approval, the Section 8 Division shall notify the Owner and the Family of its determination of lease approval.
- B. After receiving notification from the Section 8 Division, the Owner and Section 8 Division representative shall schedule a meeting and execute and sign the Contract. After the contract is executed, the Owner and Family shall execute and sign the Lease and provide a copy to the Section 8 Division.
- C. The Section 8 Division shall retain the following in its files:
  - (1) The Request for Lease Approval;
  - (2) The approved Lease;
  - (3) Inspection report;
  - (4) Section 8 Division certification that the current rent being charged is similar for comparable units in the private unassisted market, taking into account the location, size, type, quality, amenities, facilities and management and maintenance service of such unit. This certification will be maintained for three years to comply with HUD regulations and HUD inspections; and,
  - (5) Executed Contract.

**SECTION XIV. Section 8 Division disapproval of owner.**

1. Owner Debarred: The Section 8 Division must not approve a unit if the Section 8 Division has been informed (by HUD or otherwise) that the owner is debarred,

suspended, or subject to a limited denial of participation. Also, when directed by HUD, the Section 8 Division must not approve a unit if:

- A. The federal government has instituted an administrative or judicial act against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and the action is pending, or
- B. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal Opportunity requirements.

2. Section 8 Division Administrative Discretion- The Section 8 Division will deny approval to lease a unit from an owner for any one of the following:

- A. Owner has violated obligations under a Section 8 Program contract.
- B. Owner has committed fraud, bribery or any Other corrupt or criminal, act in connection with any federal housing program.
- C. The owner has engaged in drug-trafficking.
- D. The owner has a history or practice on non-compliance with the HQS requirements, State or local housing codes.
- E. The owner has not paid State or local real estate taxes, fines or assessments.
- F. If the owner is a parent, child, grandchild, sister or brother of any member of the participant family, the Section 8 Division must not approve the unit. However, if the Section 8 Division determines that approval of the unit would provide reasonable accommodation for a family member who is a disabled person, the unit may be approved.

**SECTION XV. Owner responsibility for screening tenants.**

1. Suitability for Tenancy: The Section 8 Division must inform the owner that the Section 8 Division has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility.
2. Family's Background: An owner may consider a family's background with respect to such factors as:

- A. Payment of rent and utility bills.
- B. Caring for a unit and premises.
- C. Respecting the right of others to the peaceful enjoyment of their housing.
- D. Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others and compliance with other essential conditions of tenancy.

3. Information Provided Owner Concerning Tenancy: The Section 8 Division must give the owner the family's current address (as shown in the Section 8 Division records) and the name and address of the landlord at the family's current and prior addresses, if known to the Section 8 Division. The Section 8 Division will provide information to an owner for all participants when the Section 8 Division possesses the following:

- A. The tenancy history of family members, or
- B. Drug-trafficking by family members.

**SECTION XVI. Where a family can lease a unit with tenant based assistance and portability procedures.**

1. Assistance in the Initial Section 8 Division Jurisdiction: The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction of the initial Section 8 Division.
2. Portability - Assistance Outside the Initial Section 8 Division Jurisdiction: Families living in the jurisdiction of the initial Section 8 Division may receive tenant-based assistance to lease a unit outside the initial Section 8 Division jurisdiction:
  - A. In the same State as the initial Section 8 Division;
  - B. In the same metropolitan statistical area (MSA) as the initial Section 8 Division, but in a different State;
  - C. In an MSA that is next to the same MSA as the initial Section 8 Division, but in a different State; or,

D. In the jurisdiction of an Section 8 Division anywhere in the United States that is administering a tenant-based program.

Nonresident applicants (applicants that do not live in the legal jurisdiction of the initial section 8 Division) that apply for tenant-based assistance do not have any right to lease a unit outside the initial Section 8 Division jurisdiction during the twelve (12) month period from the time the family is admitted to the program. However, the family may lease a unit outside the initial Section 8 Division jurisdiction under portability procedures if both the initial Section 8 Division and receiving Section 8 Division agree.

3. Income Eligibility:

For admission to the voucher program, a family must be income eligible in the area where the family initially leases a unit with assistance in the voucher program.

4. Leasing in Place: If the dwelling unit is approveable, a family may select the dwelling unit occupied by the family before selection for participation in the program.

5. Freedom of Choice: When the family selects eligible housing that meets all program requirements the Section 8 Division may not directly or indirectly reduce the family's opportunity to select among available units.

6. Portability Administration by the Initial Section 8 Division Outside the Jurisdiction:

- A. When a family moves under portability to an area outside the initial Section 8 Division jurisdiction, the Section 8 Division must administer the assistance for the family if the unit is located within the same State as the initial Section 8 Division, in the same MSA as the initial Section 8 Division (but in a different State); or in an MSA that is next to the same MSA as the initial Section 8 Division (but in a different State), and no other - Section 8 Division with a tenant-based program has jurisdiction in the area where the unit is located.
- B. If the above conditions exist, the family remains in the program of the initial Section 8 Division. The initial Section 8 Division has the same

responsibilities for administration of assistance for the family living outside the Section 8 Division jurisdiction as for other families assisted by the Section 8 Division within the Section 8 Division jurisdiction.

- C. The initial Section 8 Division may choose to use another Section 8 Division, a private management entity or other contractor or agent to help the initial Section 8 Division administer assistance outside the Section 8 Division jurisdiction.

7. Portability Administration by Receiving Section 8 Division:

When a family moves under portability to an area outside the initial Section 8 Division jurisdiction, another Section 8 Division (the receiving Section 8 Division) must administer assistance for the family if a Section 8 Division with a tenant-based program has jurisdiction in the area where the unit is located. When this situation exist, the Section 8 Division with jurisdiction in the area where the family wants to lease a units must issue the family a voucher. If there is more than one such Section 8 Division, the initial Section 8 Division may choose the receiving Section 8 Division.

- 8. Portability Procedures: The initial Section 8 Division must determine whether the family is income-eligible in the area where the family wants to lease a unit. The initial Section 8 Division must advise the family how to contact and request assistance from the receiving Section 8 Division. The initial Section 8 Division must promptly notify the receiving Section 8 Division to expect the family. The family must promptly contact the receiving Section 8 Division, and comply with receiving Section 8 Division procedures for incoming portable families. The initial Section 8 Division must give the receiving Section 8 Division the most recent HUD Form 50058 for the family and related verification information. If the receiving Section 8 Division opts to conduct a new re-examination, the receiving Section 8 Division may not delay issuing the family's voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility. When the portable family requests assistance from the receiving Section 8 Division, the receiving Section 8 Division must promptly inform the initial

Section 8 Division whether the receiving Section 8 Division will bill the initial Section 8 Division for assistance on behalf of the portable family, or will absorb the family into its own program. The receiving Section 8 Division must determine whether to extend the voucher term. The family must submit a request for lease approval to the receiving Section 8 Division during the term of the receiving Section 8 Division voucher. The receiving Section 8 Division must determine the family unit size for the portable family. The family unit size is determined in accordance with the subsidy standards of the receiving Section 8 Division. The receiving Section 8 Division must promptly notify the initial Section 8 Division if the family has leased an eligible unit under the program, or if the family fails to submit a request for lease approval for an eligible unit within the term of the voucher. To provide tenant-based assistance for portable families, the receiving Section 8 Division must perform all Section 8 Division functions, such as reexamination of family income and composition.

9. Absorption by the Receiving Section 8 Division: If funding is available for the receiving Section 8 Division, when a voucher is received, the receiving Section 8 Division may absorb the family into the receiving Section 8 Division voucher program.

10. Portability Billing: The receiving Section 8 Division may bill the initial Section 8 Division for housing assistance payment and administrative fees. The initial Section 8 Division must promptly reimburse the receiving Section 8 Division for the full amount of the housing assistance payments (Section 8 Program) made by the receiving Section 8 Division for the portable family. The amount of the Section 8 Program for a portable family in the receiving Section 8 Division program is determined in the same manner as for other families in the receiving Section 8 Division program. The initial Section 8 Division must promptly reimburse the receiving Section 8 Division for 80 percent of the initial Section 8 Division on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving Section 8 Division. HUD may reduce the administrative fee to an initial Section 8 Division, if the Section 8 Division does not promptly reimburse the receiving Section 8 Division for housing assistance payments or fees on behalf of portable families.

**SECTION XVII. Absence from the assisted unit.**

Absence means that no member of the family is residing in the unit. Families participating in the program may be absence for a period of 14 calendar days without notifying the Section 8 Division. If the family anticipates being absence for more than 14 consecutive calendar days, the Head of Household must request written permission from the Section 8 Division prior to leaving the assisted unit. The written request must be submitted 30 calendar days in advance of the anticipated absence. The Section 8 Division may approve absences in excess of 14 consecutive calendar days for vacation, hospitalization or other good cause as presented to the Section 8 Division by head of household. The Section 8 Division will respond in writing within 10 calendar days of the receipt of the request for approved absence. The Section 8 Division will not approve any request for absence for a period of more than 180 consecutive calendar days in any circumstance, or for any reason. If an emergency situation exist, such as hospitalization, the head of household must notify the Section 8 Division by telephone as soon as possible and request a determination via the telephone. Verbal request for determination may only be made in emergency situations. The Section 8 Division will respond verbally and follow-up the verbal determination in writing within ten calendar days of the verbal request.

**SECTION XVIII. Continued assistance after family break-up.**

The Section 8 Division shall determine which family members will continue to receive assistance after a family break-up. The head of household, spouse or any adult member of the household must notify the Section 8 Division that there has been a family break-up and continued assistance is being requested. The assisted family member making the request must submit the request in writing to the Section 8 Division and request a determination. The request must be made with 10 calendar days of the break-up. The Section 8 Division will consider the following factors in making this determination:

1. Assisted Unit: Whether the assistance should remain with family members remaining in the original assisted unit,

2. Interest of Family Members: The interest of minor children or of ill, elderly or disabled family members.
3. Physical Violence: Whether family members are forced to leave the unit as a result or actual or threatened physical violence against family members by a spouse or other member of the household.

The Section 8 Division will issue a determination within 10 calendar days of receipt of the request for a determination. The person requesting the determination may request an Informal Hearing in accordance with the Section 8 Division established procedures if they disagree with the determination of the Section 8 Division. If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the Section 8 Division is bound by the court's determination of which family members continue to receive assistance in the program.

**SECTION XIX. Subsidy Standards**

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

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

Section 8 participants shall be issued a Voucher based on the subsidy standard listed above. In determining family unit size for a particular family, the Section 8 Division may grant an exception to the above subsidy standard if the Section 8 Division

determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. The family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, unless a live in aide resides with the family. Any live in aide must be approved by the Section 8 Division, in advance, and reside in the unit to care for a family member who is disabled or is at least 50 years of age. A live in aide must be counted in determining the family unit size.

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

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

**SECTION XX. Inspections of private landlords property.**

When the Section 8 Division receives a Request for Lease approval the Section 8 Division shall inspect the unit for compliance with the Section 8 Division housing quality standards (HQS). The Section 8 Division inspector will inspect the unit for compliance with HQS standards and send the owner the results of the inspection. If there are defects or deficiencies which must be corrected in order for the unit to comply with HQS standards, the Owner shall be advised, in writing, by the Section 8 Division of the work required to be done before a Contract can be executed. The unit will be reinspected to ascertain that the necessary work has been performed and the unit meets HQS standards for occupancy.

The Section 8 Division will maintain a copy of every inspection and re-inspection report for three years, with one exception. If the unit inspected requires testing for Lead Based Paint and/or the unit requires treatment of surfaces based on the testing, the Section 8 Division shall keep indefinitely the test result and, if applicable, the Owner certification of the treatment. The inspection reports will specify the defects or deficiencies, which must be corrected in order for the unit to be corrected for the unit to meet HQS standards. The inspection report will also reflect any other defects or deficiencies, that do not cause the unit to fail, in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

**SECTION XXI. Inspections standards.**

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

1. HQS Inspection Areas: The following areas are included in HQS inspections: Sanitary facilities; Food preparation and refuse disposal; Space and security; Thermal environment; Illumination and electricity; Structure and materials; Interior air quality; Water supply; Lead based paint; Access; Site and neighborhood; Sanitary condition; and Smoke Detectors.

2. Types of HQS Inspections:

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

Section 8 Division and/or the Owner may request a special inspection be performed to document the condition to the unit.

- F. Move-out Inspections: These inspections are performed after the tenant moves out of the unit and the Owner and/or the Owner's representative will be required to attend the move-out inspection. If the tenant plans to remain in the unit and the Section 8 Program contract is going to be canceled, the inspection can be performed with the tenant in place. Move-out inspections substantiate possible damage claim/violation of family obligations. The Owner may write the Section 8 Division and indicate that there are no damages and move-out inspection is not required. If an Owner requests a move out inspection to substantiate a damage claim/violation of family obligation the inspection must be completed prior to the work being done that will correct the damage. The Owner must request an inspection within 5 business days of the move-out in order to submit a damage claim, if applicable. If the Section 8 Division cannot schedule the inspection prior to re-rental of the unit, the Section 8 Division may give the Owner permission to submit a damage claim/violation of family obligation with picture of the unit, to substantiate the damage. The Section 8 Division may use this evidence to terminate the continuing assistance to the participant because of a family violation.

The Section 8 Division inspection only certifies that the unit meets HOS federal regulations and the Section 8 Division is not responsible for items not included in the HQS inspection. The Section 8 Division will use HUD approved inspection forms to perform Section 8 Inspections.

**SECTION XXII. Determination of participant rent and re-examination of income and family circumstances.**

**1. Initially determined rent period.**

Rent as initially determined or at annual re-examination will remain in effect for the period between regular re-examination of family income and composition unless the following changes in family circumstances occur:

- A. Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family members income;
- B. Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age; or
- C. To correct errors made when determining eligibility or at reexamination.

Also, Section 8 participant agrees to report, in writing, and provide certification following any change annual income within ten (10) calendar days of the occurrence. If an error results in a retroactive rent payment due to the participant not providing correct information concerning annual income, the Section 8 participant may request the Section 8 Division representative to approve a repayment schedule. The Section 8 participant must make the request, in writing, to the Section 8 Division representative. The amount of the repayment will be the highest of \$10.00 per month or 10 percent of the monthly-adjusted income. The Section 8 Division representative will provide the Section 8 participant with a written response to their request and if approved the written notification will include the amount of the monthly repayment plus the due date of the first payment.

The final estimate of Family Income will be made by the Section 8 Division on the basis of verified information regarding income. There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income (as defined in Section IV which is not being reported).

Families may not be required to apply for public assistance, but it may be suggested to them. If the family reports zero income, the Section 8 Division will have the family sign a verification form to verify that no income is being provided.

Families will be required to report any changes in their income status within ten (10) calendar days of the occurrence of employment and/or any other type of income is received. Families with zero income may be requested to re-certify more frequently.

2. Annual Re-examination:

A. Once each year, or as required by this Section 8 Division, the Section 8 Division must reexamine the income and family composition of all families participating the Section 8 Program in accordance with 24 CFR 5.617. Verifications acceptable to the Section 8 Division shall be obtained and determinations made. In the event of failure or refusal of the family to report the necessary information, the Section 8 Division may terminate the assistance.

B. Records shall be maintained by the Section 8 Division to insure that every participant's income and family composition has been reexamined within a twelve month period.

C. Upon completion of reexamination and verification, the participant shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following: (A copy of such notification is to be retained in the participant's file.)

(1) Any change in rent and the date on which it becomes effective.

(2) Any change required because of a change in the composition of the family.

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

A. Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family members income. Any such additions, other than birth, must be approved by the Section 8 Division in advance, and must qualify, the same as an applicant or any prospective new participant.

B. Employment, unemployment or changes in income for employment of a permanent nature of the family head, spouse, or other wage earner eighteen (18) years of age or older.

C. The starting of or stopping of, or an increase or decrease of any benefits or payments received by any member of the family or household from Old Age Pension, Aid for Dependent Children, Black Lung, Railroad Retirement, Private Pension Fund, Disability Compensation, Veterans Administration, Child Support, Alimony, Regular Contributions or GMS. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.

D. Cost of living increases in Social Security or public assistance grants need not be reported until next re-examination and redetermination of rent.

E. Errors of omission made at admission or re-examination shall be corrected by the Section 8 Division. Retroactive payments will be made to the participant if the error is in the his/her favor.

F. A participant who has had a rent reduction/ increase after initial occupancy or after annual re-examination must report all changes in income within ten (10) calendar days regardless of the amount or source of the amount or sour-.

4. Notice of Temporary Rent: On occasions, the Section 8 Division is required to compute rent based on information that is supplied by the participant and third party information that has not or will not be provided by the employer. When this situation occurs the Section 8 Division will compute a temporary rent based on the information available. Once the information is verified the participant will be notified in writing. If an underpayment was made based on the information provided the participant will have fourteen (14) days from the date of the Section 8 Division notification to pay the amount specified. If the participant has made an overpayment, that amount will be credited to his/her account, with the landlord. The Head of Household and Spouse (if applicable) and a Section 8 Division representative signs this Notice of Temporary Rent and it is filed appropriately with a copy provide to the participant.

5. The Effective Dates of Interim Redetermination of Rent:

A. Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.

B. The participant agrees to pay any increase in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and to pay any back rent due because of failure to report such increase in family income.

(1) Any interim change in rent will require re-verification of all family income that has not been verified within ninety (90) calendar days of the previous rent determination.

(2) Participant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United States Department of Housing and Urban Development.

(3) Temporary employment/unemployment or increases and decreases in wages "for any reason" of less than 30 days will not constitute a rent adjustment.

(4) If it is found that a participant has misrepresented or failed to report facts upon which rent is based so that the participant is paying less than they should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the participant may be subject to civil and criminal penalties. Misrepresentation is a serious program violation which may result in termination.

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

- A. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special re-examination shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The participant shall be notified, in writing, of the date of the special re-examination.
- B. If the family income can be anticipated at the scheduled time, the re-examination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special re-examination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
- C. Rents determined at special re-examinations shall be made effective as noted in 4 A and B above.

7. Minimum Rent Hardship Exemptions: The Section 8 Division shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:

- (1) The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- (2) The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementations of a minimum rent or increase to the existing minimum rent).

(3) The income of the family has decreased because of changed circumstance, including loss of employment.

(4) A death in the family has occurred which affects the family circumstances.

(5) Other circumstances which may be decided by the Section 8 Division on a case by case basis.

All of the above must be proven by the Resident providing verifiable information in writing to the Section 8 Division prior to the rent becoming delinquent and before the lease is terminated by the Section 8 Division. If a resident requests a hardship exemption (prior to the rent being delinquent) under this section, and the Section 8 Division reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A resident may not be evicted during the ninety day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the Section 8 Division shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety day period. This Paragraph does not prohibit the Section 8 Division from taking eviction action for other violations of the lease.

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

- A. Noncompliance with economic self-sufficiency program or;
- B. Work activities requirements or,
- C. Because of fraud.

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

**SECTION XXIII. Adjustment to utility allowances and contract rents, plus monthly housing assistance payments.**

1. Utility Allowances: At least annually, the Section 8 Division shall determine whether there has been a substantial change in utility rates or other charge of general applicability, and whether an adjustment is required in the Allowance of Utilities and Other Services by reason of such changes or because of errors in the original determination. If the Section 8 Division determines that an adjustment should be made, the Section 8 Division shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors and shall furnish HUD with a copy of the adjusted schedule. (Reference 24 CFR 882.214)

2. Contract Rents: Contract Rents may be adjusted by the Section 8 Division on an annual basis and for special adjustments as provided below:

A. Annual Adjustment: Upon request from the owner to the Section 8 Division an annual adjustment may be made if the Contract unit is in decent, safe and sanitary condition and the Owner is otherwise in compliance with the terms of the Lease and the Section 8 Program Contract. Annual adjustments as of any anniversary date shall be determined by using the Section 8 Annual Adjustment Factor most recently published by HUD in the Federal Register. The Contract rent may be adjusted upward or downward. However, in no case shall the adjusted rent be less than the Contract rent on the effective date of this Contract.

B. A special adjustment: Subject to HUD approval, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates or similar costs (i.e. assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in item

number I above of this section. The Owner shall submit financial statements to the Section 8 Division, which clearly support the increase.

Notwithstanding any other provisions of this part, adjustments as provided for in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units.

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

**SECTION XXIV. Fair market rent (FMR) payment standard for vouchers and rent reasonableness limitation.**

Unless specifically stated, requirements of this subpart are the same for all tenancies in the tenant-based programs.

1. Negotiating Rent to Owner. The owner and the family negotiate the rent to owner. At the family's request, the Section 8 Division must help the family negotiate the rent to owner.

2. Rent to Owner: Reasonable Rent.

A. Section 8 Division determination.

- (1) The Section 8 Division may not approve a lease until the Section 8 Division determines that the initial rent to owner is a reasonable rent.
- (2) The Section 8 Division must re-determine the reasonable rent:
- (3) Before any increase in the rent to owner;
- (4) If there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as

compared with the FMR in effect one year before the contract anniversary; or

(5) If directed by HUD.

(6) The Section 8 Division may also re-determine the reasonable rent at any other time.

(7) At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by the Section 8 Division.

B. Comparability: The Section 8 Division must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units.

C. Owner certification of rents charged for other units. By accepting each monthly housing assistance payment from the Section 8 Division, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the Section 8 Division information requested by the Section 8 Division on rents charged by the owner for other units in the premises or elsewhere.

3. Maximum Subsidy: FMR/Exception Rent Limit.

A. Purpose.

(1) Fair market rents (FMRS) are published by HUD. In the tenant-based programs, the FMR/exception rent limit is used to determine the maximum subsidy for a family.

(2) For the voucher program, the FMR/exception rent limit is the maximum "payment standard" (maximum subsidy) for a family.

B. Determining exception rent.

(1) Area exception rent: HUD approval.

(a) At HUD's sole discretion, after a petition by Section 8 Division, HUD may approve an area exception rent for all units, or all units

B. Determining exception rent.

(1) Area exception rent: HUD approval.

(a) At HUD's sole discretion, after a petition by Section 8 Division, HUD may approve an area exception rent for all units, or all units of a given size (number of bedrooms), leased by program families in a part of the fair market rent area that is designated as an exception rent area.

(b) An area exception rent may not exceed 120 percent of the FMR.

(c) An area exception rent will not be approved unless HUD determines that an exception rent is needed either:

(i) To help families find housing outside areas of high poverty; or

(ii) Because voucher holders have trouble finding housing for lease under the program within the term of the voucher.

(d) The total populations of exception rent areas in an FMR area may not include more than 50 percent of the population of the fair market rent area. At any time, HUD may withdraw or modify any approved area exception rent.

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

A. Use of payment standard. For a voucher tenancy a "payment standard" is used to calculate the monthly housing assistance payment for a family. The payment standard" is the maximum monthly subsidy payment for a family.

B. Voucher program: Amount of assistance.

(1) Voucher payment standard: Maximum and minimum.

(a) The Section 8 Division must adopt a payment standard schedule that establishes payment standards for the Section 8

(b) For a voucher tenancy, the payment standard for each unit size may not be:

- (i) More than the current FMR/exception rent limit; or
- (ii) Less than 80 percent of the current FMR/exception rent limit, unless a lower percent is approved by HUD.

(2) Voucher assistance formula.

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

- (i) The applicable payment standard minus 30 percent of monthly adjusted income; or
- (ii) The monthly gross rent minus the minimum rent.

(b) The minimum rent is the higher of:

- (i) 10 percent of monthly income (gross income); or
- (ii) A higher minimum rent as required by law.

(3) Voucher payment standard schedule.

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

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

(c) Payment standard amounts on the payment standard schedule must be within the maximum and minimum limits stated in paragraph (b)(1)(ii) of this section. Within these limits, payment standard amounts on the schedule may be adjusted annually, at the discretion of the Section 8 Division, if necessary to assure continued affordability of units in the Section 8 Division

jurisdiction.

(d) To calculate the housing assistance payment for a family, the Section 8 Division must use the applicable payment standard from the Section 8 Division payment standard schedule for the fair market rent area (including the applicable payment standard for any HUD-approved exception rent area) where the unit rented by the family is located.

(4) Payment standard for certain subsidized projects. For a voucher tenancy in an insured or noninsured Section 236 project, a Section 51 5 project of the Rural Development Administration, or a Section 221 (d)(3) below market interest rate project, the payment standard may not exceed the basic rental charge (as defined in 12 U.S.C. 171 5z-1 (f)(1)), including the cost for tenant-paid utilities.

C. Over-FMR tenancy: Determining amount of assistance.

(1) Payment standard. For an over-FMR tenancy, the payment standard for the unit size is the FMR/exception rent limit.

(2) Over-FMR tenancy assistance formula. For an over-FMR tenancy, the housing assistance payment for a family equals the lesser of:

- (a) The applicable payment standard minus the total tenant payment; or
- (b) The monthly gross rent minus the minimum rent as required by law.

D. Payment standard for family.

(1) This paragraph (d) applies to both a voucher tenancy and an over-FMR tenancy.

(2) The payment standard for a family is the lower of

- (a) The payment standard for the family unit size; or
- (b) The payment standard for the unit size rented by the family.

(3) If the unit rented by a family is located in an exception rent area, the Section 8 Division must use the appropriate payment standard for the exception rent area.

(4) During the Section 8 Program contract term for a unit, the amount of the

payment standard for a family is the higher of,

- (a) The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
  - (b) The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the Section 8 Program contract term.
- (5) If there is a change in family size or composition during the Section 8 Program contract term, does not apply at the next regular re-examination following such change, or thereafter during the term.

6. Over-FMR Tenancy: Section 8 Division Approval.

A. Section 8 Division discretion to approve.

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

B. Requirements.

- (1) Ten percent limit. The Section 8 Division may not approve additional over-FMR tenancies if the number of such tenancies currently is ten percent or more of the number of incremental certificate units under the HUD-approved budget for the Section 8 Division certificate program.  
"Incremental units" means the number of budgeted certificate units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8

project-based assistance.

(2) Affordability of family share. The Section 8 Division may not approve an over-FMR tenancy unless the Section 8 Division determines that the initial family share is reasonable. In making this determination, the Section 8 Division must take into account other family expenses, such as child care, unreimbursed medical expenses, and other appropriate family expenses as determined by the Section 8 Division.

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

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

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

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

- A. The total tenant payment; or
- B. The minimum rent as required by law.

8. Regular Tenancy.- (Limit to initial rent to owner)

A. FMR/exception rent limit.

(1) The initial gross rent for any unit may not exceed the FMR/exception rent limit on the date the Section 8 Division approves the lease.

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

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

- C. Reasonable rent. The initial rent to owner may not exceed a reasonable rent as determined in accordance with Sec. 982.503.
9. Regular Tenancy: (Annual adjustment of rent to owner).
- A. When rent is adjusted. At each annual anniversary date of the Section 8 Program contract, the Section 8 Division must adjust the rent to owner at the request of the owner in accordance with this section.
  - B. Amount of annual adjustment.
    - (1) The adjusted rent to owner equals the lesser of:
      - (a) The pre-adjustment rent to owner multiplied by the applicable Section 8 annual adjustment factor, published by HUD in the Federal Register, that is in effect 60 days before the Section 8 Program contract anniversary;
      - (b) The reasonable rent (as most recently determined or re-determined by the Section 8 Division in accordance with Sec. 982.503); or
      - (c) The amount requested by the owner.
    - (2) In making the annual adjustment, the pre-adjustment rent to owner does not include any previously approved special adjustments.
    - (3) The rent to owner may be adjusted up or down in accordance with this section.
    - (4) Notwithstanding paragraph (b)(1) of this section, the rent to owner for a unit must not be increased at the annual anniversary date unless:
      - (a) The owner requests the adjustment by giving notice to the Section 8 Division; and
      - (b) During the year before the annual anniversary date, the owner has complied with all requirements of the Section 8 Program contract, including compliance with the HQS.
    - (5) The rent to owner will only be increased for housing assistance

payments covering months commencing on the later of-

- (a) The contract anniversary date; or
- (b) At least sixty days after the Section 8 Division receives the owner's request.

(6) To receive an increase resulting from the annual adjustment for an annual anniversary date, the owner must request the increase at least sixty days before the next annual anniversary date.

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

A. Substantial and general cost increases.

(1) At HUD's sole discretion, after a petition by the Section 8 Division, HUD may approve a special adjustment of the rent to owner to reflect increases in the actual and necessary costs of owning and maintaining the unit because of substantial and general increases in:

- (a) Real property taxes;
- (b) Special governmental assessments;
- (c) Utility rates; or
- (d) Costs of utilities not covered by regulated rates.

(2) The Section 8 Division may make a special adjustment of the rent to owner only if HUD has approved the adjustment. The owner does not have any right to receive a special adjustment.

B. Reasonable rent. The adjusted rent may not exceed the reasonable rent. The owner may not receive a special adjustment if the adjusted rent would exceed the reasonable rent.

C. Term of special adjustment.

- (1) The Section 8 Division may withdraw or limit the term of any special adjustment.
- (2) If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a temporary or one-time increase of

the rent to owner.

11. Rent to Owner: (Effect of rent control).

In addition to the rent reasonableness limit under this subpart, the amount of rent to owner also may be subject to rent control limits under State or local law.

12. Rent to Owner: (in subsidized projects).

A. Subsidized rent.

(1) The rent to owner in an insured or noninsured Section 236 project, a Section 515 project of the Rural Development Administration, a Section 202 project or a Section 221 (d)(3) below market interest rate project is the subsidized rent.

(2) During the assisted tenancy, the rent to owner must be adjusted to follow the subsidized rent, and must not be adjusted by applying the published Section 8 annual adjustment factors. For such units, special adjustments may not be granted.

B. HOME. For units assisted under the HOME program, rents are subject to requirements of the HOME program (24 CFR 92.252).

C. Other subsidy: Section 8 Division discretion to reduce rent. In the case of a regular tenancy, the Section 8 Division may require the owner to reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants or other subsidized financing.

13. Other Fees and Changes.

A. The cost of meals or supportive services may not be included in the rent to owner and the value of meals or supportive services may not be included in the calculation of reasonable rent.

B. The lease may not require the tenant or family members to pay charges for

meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

C. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

14. Distribution of Housing Assistance Payment.

The monthly housing assistance payment is distributed as follows:

A. The Section 8 Division pays the owner the lesser of the housing assistance payment or the rent to owner.

B. If the housing assistance payment exceeds the rent to owner, the Section 8 Division may pay the balance of the housing assistance payment either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

15. Family Share: (Family responsibility).

A. The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.

B. The Section 8 Division may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the family share. Payment of the family share is the responsibility of the family.

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

A. Section 8 Division responsibility for reexamination and verification.

The Section 8 Division must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:

- (a) Reported family annual income;
- (b) The value of assets;
- (c) Expenses related to deductions from annual income; and
- (d) Other factors that affect the determination of adjusted income.

B. When Section 8 Division conducts interim reexamination.

- (1) At any time, the Section 8 Division may conduct an interim re-examination of family income and composition.
- (2) At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The Section 8 Division must make the interim determination within a reasonable time after the family request.
- (3) Interim examinations must be conducted in accordance with policies in this Section 8 Division administrative plan.

C. Family reporting of change. The Section 8 Division must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.

D. Effective date of re-examination.

- (1) The Section 8 Division must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim re-determination.
- (2) At the effective date of a regular or interim reexamination, the Section 8 Division must make appropriate adjustments in the housing assistance payment and family unit size.

E. Family member income. Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The Section 8 Division must conduct a reexamination to determine such additional income, and must make appropriate adjustments in

the housing assistance payment and family unit size.

17. Utility Allowance Schedule.

A. Maintaining schedule.

(1) The Section 8 Division must maintain a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse).

(2) The Section 8 Division must give HUD a copy of the utility allowance schedule. At HUD's request, the Section 8 Division also must provide any information or procedures used in preparation of the schedule.

B. How allowances are determined.

(1) The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same community. In developing the schedule, the Section 8 Division must use normal patterns of consumption for the community as whole and current utility rates.

(2) (a) The Section 8 Division utility allowance schedule, and the utility allowance for an individual family, will include the utilities and services that are necessary in the community or locality to provide housing that complies with the housing quality standards. However, the Section 8 Division may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

(b) In the utility allowance schedule, the Section 8 Division must classify utilities and other housing services according to the following general categories: air conditioning; cooking; water heating; water; sewer; trash collection (disposal of waste); other electric; and other specified housing services. The Section 8 Division must provide a utility allowance for tenant-paid air-conditioning costs if the majority of housing units in

the market provide centrally air-conditioned units or there is appropriate wiring for tenant-installed air conditioners.

(3) The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, town house or single-family that are typical in the community).

(4) The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.

C. Revisions of utility allowance schedule.

The Section 8 Division must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The Section 8 Division must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

D. Use of utility allowance schedule.

(1) The Section 8 Division must use the appropriate utility allowance for the size of dwelling unit actually leased by the family rather than the family unit size as determined under the Section 8 Division subsidy standards.

(2) At reexamination, the Section 8 Division must use the Section 8 Division current utility allowance schedule.

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

**SECTION XXV. Affordability adjustments and rent provisions for vouchers.**

1. Annual Increases of Payment Standards. The Section 8 Division, in its discretion, may adopt annual increases of payment standards amounts on the payment standard schedule so that families can continue to afford to lease units with assistance under the Housing Voucher Program (Reference 24 CFR 982.617). In determining when an adjustment to the payment is necessary the Section 8 Division will consider:

- A. Rent burden (number of families paying more than 30% of income for rent.
- B. Success rate in leasing and
- C. Percentage of FMR.

The Section 8 Division will also consider the financial utilization of funding provided for vouchers. If the Section 8 Division determines that vouchers are not being leased to properly utilize funding, the payment standard may need to be adjusted to increase utilization of available funding.

2. Rent Negotiation. Under the Housing Voucher Program, the rent to the owner is a matter of negotiation between the owner and the family. The rent must be within the guidelines of "rent reasonableness", and this rental amount must be certified by the Section 8 Division as falling within the guidelines of "rent reasonableness". If requested by the family, the Section 8 Division must also assist the family in negotiating a reasonable rent with the owner. (Reference 24 CFR 982.309)

3. Rent Increase: The rent to owner may not be increased during the first year of the lease. The lease may provide that the owner may increase the rent at any time after the first anniversary of the lease, but the owner must give the tenant and the Section 8 Division 60 days written notice of any increase before it takes effect. (Reference 982.309)

4. Section 8 Division Disapproval of Lease: The Section 8 Division may disapprove a lease for a rent that is not reasonable, based on rents charged for comparable rental

units. Section 8 Division may exercise this authority in communities where the market is not functioning normally or where some families are not able to negotiate reasonable rent on their own. For example, where there is a concentration of ownership by a small number of landlords. The Section 8 Division must document each case in which it disapproves a lease because the rent is not reasonable. (Reference 982.309)

**SECTION XXVI. Security deposit.**

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

**SECTION XXVII. Termination of tenancy by owner.**

1. Reasons for Termination: The Owner shall not terminate the tenancy of the Family except for:

- A. Serious or repeated violation of the terms and conditions of the Lease;
- B. Criminal Activity by the tenant, any member of the household, a guest or another person under the tenant's control shall be cause for termination of tenancy. Criminal activity is defined as, criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or by

persons residing in the immediate vicinity of the premises.

C. Violation of Federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or

D. Other good cause, which may include, but not be limited to: failure by the family to accept the offer of a new lease or revision; a family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to lease the unit at a higher rental).

If the owner terminates the tenancy for a business or economic reason the owner must provide the tenant with a 90 days notice.

2. Eviction by Court Action: The Owner may evict the Family from the Contract unit only by instituting a court action. The Owner must notify the Section 8 Division, in writing, of the commencement of procedures for termination of tenancy, at the same time that the Owner gives notice to the Family under State law.

3. Written Notice: Owners must provide written notice of not less than 90 days before termination of Section 8 Program contract. (Reference HUD Notice PIH 93-54, issued October 19, 1993 and 24 CFR 982.455).

4. Termination During First Year: During the first year of the lease term, the owner may not terminate the tenancy for "other good cause", unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for "other good cause", based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owners desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of tenancy.

**SECTION XXVIII. Termination of Section 8 Program contract.**

1. Termination of Section 8 Program Contract When the Unit is to Big or Too Small: If the Section 8 Division determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the Section 8 Division must issue the family a new voucher, and the family must try to find an acceptable unit as soon as possible. If the family is residing in a dwelling unit with a larger number of bedrooms than appropriate for the family unit size under the Section 8 Division subsidy standard and the gross rent for the unit (sum of the contract rent plus any utility allowance for the unit size leased) exceeds the FMR or exception rent, the Section 8 Division must notify the family that exceptions to the subsidy standard may be granted, and the circumstances in which the Section 8 Division may grant an exception. If an acceptable unit is available for rental by the family within the FMR/exception rent limit, the Section 8 Division must terminate the Section 8 Program contract in accordance with its terms.

2. Automatic Terminate of Section 8 Program Contract: The Section 8 Program contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

**SECTION XXIX. Program management plan: Organization Plan**

The Section 8 Division management organization is as follows:

1. Director: Responsible for all aspects of the Section 8 Division.
2. Section 8 Coordinator: The Section 8 Coordinator assist the Director in the day to day operations of the Section 8 Division. Some of the major duties are: takes applications, handles community relations with concerned agencies and landlords, performs inspections (including the 5 percent supervisory inspections), performs certifications and re-certifications of Vouchers holders and prepares various Section 8 reports.
3. Financial Official: Issues all Section 8 checks and prepares all Section 8

Financial Reports.

4. Applications Clerk: The Applications Clerk serves as the backup for the Section 8 Coordinator and performs a portion of the duties of the Section 8 Coordinator as needed.
5. Inspector: Various Section 8 Division staff perform Section 8 Inspections for the Section 8 program and under the direction and training of the Section 8 Coordinator.
6. Inspection clerx: Assist the Inspector in the inspections.

**SECTION XXX. HUD review of contract compliance.**

HUD will review program operations at such intervals as it deems necessary to insure that the owner and the Section 8 Division are in full compliance with the terms and conditions of the contract. Equal opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

**SECTION XXXI. Administrative fee reserve expenditures.**

All expenditures from the administrative fee reserve of the Section 8 programs will be approved by the Mayor of Río Grande.

**SECTION XXXII. Special housing types.**

The Section 8 Division has elected to permit the use of Special Housing Single room occupancy (SRO) only if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. The Section 8 Division may not set aside program funding specific special housing type. The family chooses whether to rent housing that qualifies as a specific special housing type, or to rent other eligible housing in accordance with requirements of the program.

**SECTION XXXIII. Family self-sufficiency programs.**

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance with public and private resources. This policy will enable families eligible to receive assistance under these programs, and to achieve economic independence and self sufficiency.

1. Eligible FSS Participants: Description of how current Section 8 participants will be selected to participate in the FSS program. The basis selection criteria is listed below: The Section 8 Division slots will be filled based on the date and time a family expresses interest in the FSS program. The Section 8 Division will notify each Section 8 participant of the availability of the FSS program, in writing, and inform the families that eligibility for participation will be based on the date and time the Section 8 Division is contacted by the family and an interest is expressed in the program. The Section 8 Division will keep records for a period of not less than three years, which documents how family's were selected for participation in the FSS program. The Division will maintain an escrow account for each family participating in the program.

2. Termination of FSS: If the FSS participant under reports income and assets, the Section 8 assistance can be terminated and/or the family can be terminated for the FSS program. In either case the Section 8 Division will not credit the family's escrow account with any portion of the back rent.

A. If a Family fails to meet its FSS obligations as outlined in the FSS contract of participation the family can be terminated from the FSS program. The family may lose Section 8 assistance if they are terminated from the FSS program. The Section 8 Division is never required to terminate Section 8 assistance as a consequence of termination of the FSS contract.

B. If a family was selected to participate in the FSS program and was terminated because they did not meet its FSS obligations the family may be denied the opportunity to participate in the FSS program the second time based on the

fact that they violated FSS obligation the first time the family participated in the FSS program. A family may also be denied the opportunity to participate in the FSS program if they owe funds to a Section 8 Division.

C. If a FSS participant moves from another Section 8 Division jurisdiction with continued Section 8 assistance this Section 8 Division is not obligated to enroll the FSS family in its FSS program. The family must qualify under the Section 8 Division guidelines for selection and participation in FSS program.

3. Reduction of Required FSS Program. Section 8 Division may reduce their FSS obligation by one family for each FSS graduate fulfilling the family's contract of participation obligations.

#### **SECTION XXXIV. De-concentration rule.**

The objective of the de-concentration rule for section 8 tenant-based assistance is to admit no less than 75% of its new admissions to the program to families that have income at or below 30% of the area median income. The Section 8 Division will track the status of all new admissions monthly by utilizing income reports generated by the Section 8 Division. The goal will be tracked monthly and if the Section 8 Division is not reaching its goal, families will be skipped on the waiting list to admit a family that has income that is at or below 30% of area median income. The practice will continue until the Section 8 Division achieves its goal. The Section 8 Division administrative plan provides for the skipping of families on the waiting list to accomplish this goal.

#### **SECTION XXXV. Closing of files and purging inactive files.**

This Section 8 Division will purge inactive files, after they have been closed for a period of three years, with the exception of troubled cases, or cases involving a household containing a minor with a reported elevated blood-lead level. During the term of each assisted lease and for three years thereafter the Section 8 Division will keep the lease,

Section 8 Program Contract and the application from the family. In addition, the Section 8 Division must keep for at least three years the following records: Records with racial, ethnic, gender and disability status data for applicants and participants; the application from each ineligible family and the notice that the applicant is ineligible; HUD required reports and other HUD required files; Lead based paint inspection reports as required. Unit inspection reports; accounts and other records supporting the Section 8 Division and financial statements; other records which may be specified by HUD. The Section 8 Division shall retain all data for current participants for audit purposes. No information shall be removed which may effect an accurate audit.

**SECTION XXXVI. Code of Conduct.**

All employees, officials, contractors, subcontractors or agents of the Section 8 Division of the Municipality of Rio Grande must conduct business in accordance to core values and ethical standards. The Municipality of Rio Grande requires compliance to all parties mentioned above with the conflict of interest requirements of the Housing Choice Voucher Program specified at 24 CFR 982.161 as follows:

- A. Neither of the Section 8 Division employees nor its contractors or sub-contractors may enter into any contract or arrangement in connection with the tenant based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:
  - 1. Any present or former member or officer of the Section 8 Division;
  - 2. Any employee of the Section 8 Division, or any contractor, sub-contractor or agent of the Section 8 Division, who formulates policy or influences decisions with respect to the programs;
  - 3. Any public official, member of a governing body, or State or Municipal Legislator, who exercises functions or responsibilities with respect to the programs; or
  - 4. Any member of the Congress of the United States, including the Resident Commissioner of Puerto Rico as Delegate to Congress.
- B. Any member of the classes described in paragraph (A) of this section must

disclose their interest or prospective interest to the Section 8 Division and HUD.

- C. The conflict of interest prohibition stated under this section may be waived only by the Puerto Rico HUD field office for good cause.
- D. The Municipality of Rio Grande prohibits the solicitation or acceptance of gifts or gratuities, in excess of nominal value, by any officer or employee of the Section 8 Division, or any contractor, subcontractor or agent of the Division.
- E. The Municipality of Rio Grande Section 8 Division policy is to enforce the sanctions established for any violation to this code of conduct by all administrative rules in force, including the Municipality Personnel Regulations, the Office of the State Comptroller Regulations and the State Governmental Ethics Office.
- F. The Municipality of Rio Grande will be proactive to promote the criminal prosecution under applicable laws, rules and regulations to any municipal officer or employee for violations to the hereby-established administrative code of conduct.

**SECTION XXXVII. Plan adoption.**

This Administrative Plan is adopted as the Municipality of Río Grande Section 8 Division implementation tool for the Federal Housing and Urban Development Department housing programs. All municipal officials implementing HUD housing programs must comply with all the provisions of this Plan.

Emilio Rosa Pacheco  
Mayor

End of document

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

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Municipality of Río Grande  
Family Self Sufficiency (FSS) Program

**Action Plan**

(5 Year Plan for Fiscal Years 2004 – 2009)

June 2004

June 30, 2004

Ms. Olga Sáez  
PIH, Director  
Department of Housing and Urban Development  
Caribbean Office  
171 Carlos Chardón, Ave., Suite 301  
San Juan, PR. 00918-0903

Dear Ms. Sáez:

Enclosed, please find the PHA Action Plan for the Family Self sufficiency Program for the Municipality of Rio Grande. The Municipality is committed to comply the applicable Federal and State laws and regulations regarding housing for low income families. The Plan provides the procedures for Section 8 Program, Family Self sufficiency component.

If your staff need additional information regarding this document, please contact Ms. Daisy Medero, Director for Section 8 Program at telephone 787- 809-1275.

Thanks for your valuable help.

Cordially,

Emilio Rosa Pacheco  
Mayor

Action Plan/carta tramite

**Municipality of Río Grande**  
**Family Self Sufficiency (FSS) Program**  
**Action Plan**

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## I. Introduction

The purpose of this Action Plan for the Family Self-Sufficiency (FSS) program at the Municipality of Rio Grande is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the Section 8 rental certificate and rental voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency. This Plan aims to implement the policies and procedures applicable to operation of the Municipality of Rio Grande local FSS program, as established under section 23 of the 1937 Act (42 U.S.C. 1437u), under HUD's programs.

The objective of the Plan is to reduce the dependency of low-income families on welfare assistance and on Section 8, public, or any Federal, State, or local rent or homeownership subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. The Federal Department Of Housing (HUD) will measure the success of a local FSS program not only by the number of families who achieve self-sufficiency, but also by the number of FSS families who, as a result of participation in the program, have family members who obtain their first job, or who obtain higher paying jobs; no longer need benefits received under one or more welfare programs; obtain a high school diploma or higher education degree; or accomplish similar goals that will assist the family in obtaining economic independence.

Under this framework it is the goal of the Municipality of Rio Grande is to provide decent, safe, and sanitary rental housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for Section 8 participants.

In order to achieve this mission, the Municipality will:

- Recognize residents as our ultimate customer.
- Improve management and service delivery efforts .
- Seek problem-solving partnerships with residents, landlords, community, and government leadership.
- Apply limited resources to the effective and efficient management and operation of the program.

## **II. Community Population, economy and housing Profile**

### **2.1 Population and economy.**

In 1990 Rio Grande had a population of 45,648 inhabitants. In year 2000 the population was 52,362 that represents 14.7 percent increase during the ten-year period. For the year 2005 the estimated population will be 58,172. The Rio Grande population median age has increased reflecting a tendency toward a mature population. This also has been the tendency for the senior citizens population.

The city's population is relative younger, according to 2000 Census of Population: there are 15,604 inhabitants less than 18 years. The elderly population represents the 9.5% of all city inhabitants. In 1990 Census, the elderly population was 4,964, in comparison with 2000 Census they're not a significant different in this special population. The 2000 Census identified 4,974 elderly inhabitants.

The average family size for 2000 Census was 3.49 persons. In Census 1990, the family households average was 3.83. In comparison, in Census 2000, the households average was 3.14 persons per occupied housing units. The population density in Rio Grande, accordingly to Census 2000, was 862.3 persons/square miles. The Municipality has 328.2 housing units/square miles according to Census 2000. The municipality

population, 52,362, is distributed in nine wards, according to Census 2000. The following table illustrates the population distribution by wards:

**Population by wards, Río Grande, Puerto Rico**

	Wards	Population	Percent
1	Ciénaga Alta	4,606	8.80
2	Ciénaga Baja	18,220	34.80
3	Guzmán Abajo	6,614	12.63
4	Guzmán Arriba	928	1.77
5	Herreras	839	1.60
6	Jiménez	2,903	5.54
7	Mameyes II	2,919	5.58
8	Río Grande pueblo	1,948	3.72
9	Zarzal	13,385	25.56
	<b>Total</b>	<b>52,362</b>	<b>100.00</b>

The income patterns in Río Grande reflect an increase in the last ten years (between 1989-1999) according to Census 2000. The median family income for Census 2000 was \$17,033.00. In the Census of Population data for 2000, 46.64 percent of persons had income below the poverty level and 53.36 were at or above poverty level.

The manpower labor force in Río Grande has increased in the last years. In year 2000 the labor force had 17,900 active persons, a 3.4% increase over 1998 figures of 17,300. The employment statistics for Río Grande has represented an increasing tendency in last years. In year 2000 the total employment was 15,900 workers compared to 14,300 in 1998, a 11.19 increase in the three years period. The unemployment rate decreased from 17.40% in 1998 to 11.50 in year 2000.

The industrial composition in Rio Grande is heavily oriented toward retail trade (32% of total establishments) and services (30% of total establishments), accounting these two industrial sector for 62% of total business patterns. The other sectors of relative mayor importance are manufacturing (7%), finances (6%), and public administration (6%).

**2.2 Housing characteristics**

In 2000 there were 19,928 housing units in the Municipality of Río Grande according to the US Department of Commerce, Bureau of the Census. This figure represents an increase of 4,850 housing units during the past ten years period after Census 1990. In Census 1990 the total housing units were 15,078. The numbers of occupied housing units in 1990 were 12,796. That number increased to 16,430 in Census 2000. Based on Census 2000 data, there was 3,498 vacant housing units compare with 2,317 in 1990 and 903 in 1980.

The vacant units can be classified by different status:

Vacancy status	No. units	Percent
For rent	216	6.17
For sale only	250	7.15
Rented or sold but not occupied	286	8.18
For seasonal, recreational	1,855	53.03
For migrant workers	0	0
Other vacant	891	25.47
<b>Total</b>	<b>3,498</b>	<b>100.00</b>

In 2000 there were 1,010 housing considered inadequate under the Census methodology, comparing with 779 inadequate housing units in 1990. This figure represents a decreased in the number of adequate housing units during that period.

### III. Program Design

#### 3.1 Program Coordinator

The program activities will be coordinated by a program coordinator that will be appointed to supervise and structure the programmatic activities under the supervision of the PHA Section 8 Director. The coordinator will lead the implementation of the program activities and serve as liaison for the Coordinating Committee.

#### 3.2 Coordinating Committee

The Rio Grande PHA will establish a PCC whose functions will be to assist the PHA in securing commitments of public and private resources for the operation of the FSS program within the PHA's jurisdiction and in implementing the program.

The committee will consist of representatives of the following service delivery agencies:

1. Resident assisted under the section 8 program,
2. Representative of the Mayor office, as the unit of local government
3. The WIA Consortium as the local agency implementing the Workforce Investment Act
4. The local Family Department office providing the welfare services
5. The child care center director
6. The local Education Department office
7. Local religious community service group
8. Local entrepreneurship community based organization
9. Local manufacturing plant human resources director

The Coordinating Committee will provide input to the program including the following tasks:

1. Secure commitments from public and private sectors for program success.
2. Provide overview in the achievement of the program objectives.
3. Assist the program staff in establishing schedules and assigning resources to program implementation.
4. Establishing evaluation guidelines.
5. Suggesting updates to the Plan.

The Committee will meet on a regular basis as it deems necessary to undertake its responsibilities. The first meeting will be held immediately after program approval by HUD.

#### **IV. Program Implementation**

##### **4.1 The PHA administrative capability**

The Municipality has the managerial capability to carry out the tasks related to the implementation of the program and carry out the project within a established time schedule. Actually, the municipality administer several state and federal projects requiring the same type of managerial capability as this project. Among these type of projects we can mention the HUD Community Development Program and Section 8 Program.

The following is a summary of the Municipality managerial capabilities:

1. The Municipality has been a successful applicant on a year to year basis for the Section 8 Program and has received outstanding evaluations.
2. The Municipality has experience in the administration of other federal funded projects.
3. The Municipality currently employ a nine (9) full-time administrative and technical staff and an Economic Consultant within its local Office of Federal Programs.

4. The Mayor and his executive staff are committed to carry out the program in total compliance with existing regulations.

#### 4.2 Description of services and programs available for family support

1. The WIA Program: The Workforce Investment Act (WIA) program is a core program in the development of alternatives to achieve the FSS program. The WIA is intended to help members of the workforce, mainly low income persons, access the assistance with training they need to manage their careers, and connect companies and workers. Under WIA, customer service is a key ingredient of the delivery system, requiring that agencies become more flexible and adaptable. The main goals of the Act are: improve the quality of the workforce, enhance the productivity and competitiveness of the Nation, and reduce welfare dependency. It was to reach these goals, that the Act facilitated several fundamental changes in the service delivery, including, the concept of one-stop service, the required partners, the continuum of services, and the core, intensive, and training services.

2. The State Department of Education programs : The State Department of Education will contribute to the FSS program through the following main activities - Adult Secondary Education ( 9-12 ); Conversational English Courses; Education at distance (Preparation for exams, Act 188) and remedial education services.

3. The Family Department : This Department will contribute mainly through the Pan y Trabajo Program. This program is focused at the provision of salary incentives to employers who recruit welfare programs participants. The program is financed by the USDA Food Stamps Program. The participants recruited receive the same salary and benefits as regular employees of the enterprise and participate on a full time – 40 hours weekly - regular job. Other participants may work between 20 and 39 hours weekly.

4. Child care services: This program is very important for the success of the Family Self sufficiency Program. The municipality has under implementation a child care program that will serve as linkage for the FSS Program.

5. Counseling assistance by Section 8 Staff: The PHA Section 8 staff will be trained to assist families in the provision of counseling assistance on services available to families participating in the program.

6. Transportation services: Participating families will be provided transportation services using municipal government resources, including the Trolley system and private volunteers groups.

#### 4.3 FSS family selection procedures

1. Outreach criteria: The FSS participating families will be selected from interested current Section 8 rental housing participants and families in the waiting list motivated to join the program. These outreach effort will be complemented with the publication of public notices in the local Spanish newspapers informing interested persons about the program and the dates and place of the orientation sessions. Also, poster notices will be placed on bulleting boards at public buildings within the PHA jurisdiction.

2. Motivational tools to promote the program: The PHA will use several motivational tools to promote the program. These motivational tools will include orientation sessions about the benefits of enrolling in the program and screening interviews. The screening interviews will focus on candidates attitudes toward self reliance and independence desire. These candidate characteristics will influence its willingness to undertake the responsibilities required by the FSS Contract of Participation, including contracting job training and educational programs referrals. The failure of the candidate to demonstrate positive attitudes toward these motivation skills will result in a no selection for participation.

3. Banned screening criteria from the selection procedures: Certain screening criteria will be banned from the selection procedures, including the educational level of the candidate, Standardized motivational test results, previous job history and job performance, credit rating, marital status, number of children, sensory or manual skills and any religious or political discrimination practice. Also, the PHA will not discriminate against a candidate as a consequence of any disability.

4. Tenants orientation and initial training: The FSS participants will receive an initial orientation to provide them with the following information.

- Objectives of the FSS program.
- Initial eligibility requirements for participation in the program.
- Selection process.
- Number of certificates and vouchers available for the FSS program.
- Explanation of the program contract
- Explanation of the grievance procedure

5. Work preparation counseling, life skills and individual training: Participants will get involved in activities focused on skills to take charge of their own living. They will receive counseling regarding drug abuse, health maintenance, working habits, parenthood, family budgeting and household maintenance. An individual and personal needs assessment will be prepared by qualified professionals to identify special needs and limitations that may limit participant opportunities to achieve self sufficiency. The PHA will coordinate a referral system to direct participants to several service providers, including WIA system, Right to Employment Administration, the Department of Education and other service provider agencies.

6. Job training and placement: The referral system to be implemented will lead the efforts to engage participants, if necessary, in job training programs to develop technical and job oriented skills to facilitate job placement. This effort will habilitate participants to find and retain a well paid job. After placement in a job, participants will be monitored to promote stability in their job and assure their success out of the Section 8 subsidized living.

7. Escrow account: The PHA accounting unit will establish an FSS Escrow account for each family participating in the program. Each participant will be credit in accordance to HUD regulations in force during the term of the participation contract. If the participant income increase during the contract of participation the PHA will credit to the escrow account a portion of the increase in rent contribution by the participant that would otherwise result as a consequence of the increase in earned income. Earned income will be defined as income from wages, salaries and other compensation or self employment, prior to payroll deductions or self employment social security tax. It will not include pension or annuities benefits or in kind benefits. It will neither include income of children under 18 years old. If there is no earned income, there is no contribution to an escrow account.

**V. Program policies**

**5.1 Participation contract provisions description**

The participation contract is the agreement between the PHA and the family to establish the FSS obligation of both parties. The contract includes an individual training and a service plan for the participant. The contract describes the resources and services to be made available to the family under the FSS program. It describes also, the PHA authority to terminate or withhold the FSS supportive services and to terminate housing assistance if the family fails to comply with the contract provisions. Moreover, it include the requirements to the family to fulfill the obligations to which it has committed itself, no later than 5 years after entering into the contract. It requires that the head of the household seek and maintain suitable employment throughout the term of the contract. The contract requires also, other members of the family unit to attend job training, counseling and interviews for jobs.

**5.2 Changes and extensions in contract**

The PHA may agree to changes to the contract of participation including, number and identity of family members who will participate; family designated household head and support services to be provided as needs and family interests change. The contract may be extended for up to two years beyond the original 5 years for valid reasons such as involuntary loss of employment. The family will continue to receive escrow credits during the period of extension.

### **5.3 Transitional assistance**

The family support services can continue during a transitional period if the family has completed the contract is employed and the continuation of the support services would assist it to remain self sufficient.

### **5.4 Termination of contract participation**

The contract may be terminated for the following reasons: mutual consent of the parties; failure of a member of the family to honor the terms of the contract; achievement of self sufficiency by the family and expiration of the contract or an extension granted.

### **5.5 Grievance procedures**

#### **5.5.1 Grievance definition**

A grievance or complaint is defined as any dispute involving the interpretation or application of the PHA's regulations, policies or procedures that affect the rights or duties of the complainer; and 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.

#### **5.5.2 Termination**

The FSS contract may be terminated if the municipality terminates the family housing assistance contract for the following reasons: the family vacates the unit in violation of the lease; the owner terminates tenancy in accordance with regulations; the family moves from the unit without notifying the program or the owner has evicted the family in accordance with state/local law.

### 5.5.3 Evictions

In case of evictions, owners are required to: comply the requirements of state and local law and provide a copy of the notice to the PHA when the notice is given to the family. The municipality must determine whether the family is eligible to receive continued assistance under Section 8 Program.

### 5.5.4 Hearing process

#### 1. Right to request an informal hearing

If the municipality determines that an applicant or participant is ineligible, will notify she/he in writing the reasons for the ineligibility and their right to request an informal hearing. If an informal hearing is requested by an applicant/tenant the hearing will be conducted by a hearing officer or other public official who is not directly involved in the day to day administration of the program. In addition, the family may retain a counsel or other representation at his/her own expense.

#### 2. Opportunity to present testimony

The family or its representative must also be given the opportunity to present testimony and evidence in its favor. The hearing shall be private unless the complainant requests a public hearing. The hearing official must put its decision in writing, based solely on evidence provided at the hearing and supported by the legal and evidentiary grounds for the decision.

The hearing must be scheduled for a date and time at a place designated by the hearing officer. The complainant waives his right to the hearing if he/she does not file a grievance within the time period allowed. These circumstances shall not

constitute a waiver of his/her right to contest the PHA decision in an appropriate judicial proceeding.

3. Opportunity to examine documents

If the grievance is in connection with a proposed eviction from the unit, inspections, transfers, fines or rental disputes, the complainant may have the opportunity to examine and make copy at his/her expense of all documents, records and regulations of the PHA, relevant to the hearing. Any documents not made available to the complainant may not be used as evidence at the hearing. The complainant may request in advance and at his/her expense, a transcript of the hearing.

4. Informal rules of evidence

The burden of the proof at the hearing is on the PHA who may justify the action or inaction by it in its answer to the complainant. The complainant may present evidence and arguments in support of his/her complaint and confront and cross examine all witnesses on whose testimony or information the municipality relies. The complainant may also present an opening statement and a closing argument.

The hearing shall be informal and any oral or documentary evidence may be received, except if irrelevant, immaterial or repetitious, without regard to whether it would be admissible under the rules of evidence employed in judicial proceedings.

The hearing officer shall make his decision based solely on facts derived from the hearing and on applicable law. The decision shall be binding to the PHA unless it notifies the complainant in writing within 30 days or the decision has

been made arbitrarily or exceeding the Officer authority in such a way that it may be subject to judicial review. If the decision is in favor of the complainant, the PHA shall take action to carry out such decision and refrain from any action contrary to the decision. After the hearing, each party may submit a decision proposal to the Officer, for his consideration containing proposed findings and conclusions with supporting reasons on one, several or all the issues raised by the parties. Such decision proposal may be adopted in part or totally or rejected by the hearing officer when preparing his decision. The Officer shall prepare its written decision with findings and conclusions and the basis for it within the five working days after the date of the hearing. Copies of the decision shall be mailed to the complainant or his representative.

The decision and any judicial review of the decision or related settlement pertaining the decision of the hearing officer shall be maintained on file by the PHA and made available for inspection.

#### **5.6 Evaluation procedures**

The evaluation of the FSS projects success will be measured in terms of the program goals achievement. The PHA will develop an evaluation tool to make an assessment of the participant achievement based on the educational level attained, job skills developed, job placement , employment status and annual income, among other indicators.

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