

PHA Plans

Streamlined Annual Version

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

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

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

Streamlined Annual PHA Plan for Fiscal Year: 2008-2009



PHA Name: Municipality of Cabo Rojo (RQ061)

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 Cabo Rojo

PHA Number: RQ061

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

PHA Programs Administered:

Public Housing and Section 8

Number of public housing units:
Number of S8 units:

Section 8 Only

Number of S8 units: 107

Public Housing Only

Number of public housing units:

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

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

PHA Plan Contact Information:

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TDD:

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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 2008-2009
 [24 CFR Part 903.12(c)]

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 [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.

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B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

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

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

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

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

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

i. Executive Summary

The Municipality of Cabo Rojo has developed its Annual Plan 2008-2009 as part of the comprehensive planning process to address all aspects of its operation. This plan provides details of the following PHA's current programs: Housing Choice Voucher Program and Homeownership Program.

It includes the policies concerning the functions for which the PHA has the discretion to establish the procedures of the program and strategies to meet local housing needs. The Annual Plan provides statements about: housing needs of the resident population served, PHA's strategy for addressing the housing needs of currently assisted families, financial resources, policies that govern eligibility, selection and admission, rent determination policies, operation and management organization, and homeownership program. Also, this plan provides a statement of the PHA's progress against the goals and objectives established in the 5-Year Plan for the period 2005-2009.

One of the major objectives of the Municipality of Cabo Rojo is to create maximum opportunities to both low and very low income families to become first-time homeowners. During the year 2008-2009, the PHA will attempt the necessary procedures to promote the homeownership option within its Housing Program. It is a key component of families moving to achieve economic independence and moving to self-sufficiency.

The Municipality continues to evaluate the goals and strategies that have been established so that it can better meet the demand of housing. Through the participation of the community residents, the PHA has prioritized its activities to develop this plan.

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

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

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

A. Site-Based Waiting Lists-Previous Year

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

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

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

B. Site-Based Waiting Lists – Coming Year

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

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

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

2. Capital Improvement Needs

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

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

A. Capital Fund Program

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

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

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

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

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

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

3. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program

(if applicable) [24 CFR Part 903.12(c), 903.7(k)(1)(i)]

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

2. Program Description:

a. Size of Program

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

If the answer to the question above was yes, what is the maximum number of participants this fiscal year? 20%

The total family will be serve through this program will be limited to 20%, as established on 24 CFR Parts 5, 903 and 982.

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:

The Municipality of Cabo Rojo has established the following eligibility criteria for participation in its Section 8 Homeownership Program (Ref. Section 8 Housing Choice voucher Homeownership Program, June 2006 Revision, pages 3-5).

A. Eligibility Requirements (24 CFR 982.627)

The family must meet all the requirements listed below before the commencement of homeownership assistance:

- 1- The family must be eligible for the Housing Choice Voucher Program. [24 CFR 982.627 (a)].**
- 2- The family must be in "good standing".**

The PHA defines a family participant to be in "good standing" as:

- a. Having no outstanding debts to the Municipality of Cabo Rojo or any other Housing Authority.**
 - b. Having no outstanding debts with any municipality and/or any government institutions.**
- 3- The family must qualify as a FTH, or may be a cooperative member as defined by HUD. [24 CFR 982.627 (a)].**
 - 4- The head of household, spouse or adult family member must meet the federal minimum income requirement. Whereby, they must have a gross annual income equal to the federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. Unless the family is elderly or disabled, income from welfare assistance will not be counted toward this requirement. [24 CFR 982.627 (c)].**
 - 5- As previously stated, the family must meet the federal minimum employment, which is defined as follows:**

- a- **Except in the case of elderly and disabled families one or more adults in the family who will own the home must be currently employed full time and must have been continuously employed for one year prior to homeownership assistance. The Municipality of Cabo Rojo (PHA) will also consider whether and to what extent an employment interruption is considered permissible, satisfying, employment requirement. Interruptions of less than 60 days will count as continuous employment during the year. The Municipality of Cabo Rojo will also consider successive employments during the one-year period and self-employment a business. [24 CFR 982.627 (d)].**
 - b- **HUD regulations define “full-time employment” as not less than an average of 30 hours per week. [24 CFR 982.627 (d)(2)(i)].**
 - c- **The federal minimum employment requirement does not apply to elderly or disabled families. [24 CFR 982.627 (d)(3)].**
- 6- **Any family member who has previously defaulted on a mortgage obtained through homeownership program option and/or any other federal subsidized mortgage program is barred from receiving future homeownership assistance. [24CFR 982.627 (e)].**
 - 7- **Must attend and satisfactorily successfully complete a minimum of 10 hours of the PHA’s pre-assistance homeownership and housing counseling program the maximum will be a case by case in accordance to the families needs. [24 CFR 982.982.630 (a)].**
 - 8- **Must complete the pre-qualification process with the identified entity. [24 CFR 982.627 (c) (3) & 24 CFR 982.632].**
 - 9- **Applicants for and new participants in the Section 8 HCVP shall be ineligible for participation in the Section 8 Homeownership Program until completion of an initial Section 8 lease term and the participant’s first annual recertification in the Section 8 HCVP. Nothing in this provision will preclude Section 8 participants that have completed an initial lease term in another jurisdiction from participating in the Section 8 Homeownership Program.**
- c. What actions will the PHA undertake to implement the program this year (list)?
- (1) **Promote the Homeownership Program among participating families.**
 - (2) **Outreach the preliminary eligible of participating families in order to market the program.**

- (3) **The PHA will schedule several meetings with tenants and owners in which the Section 8 staff will provide to them orientation about the Homeownership Program.**
- (4) **The PHA will contact some of the housing counseling services to help educate more families about the financial responsibilities of homeownership. These programs will help go step by step through the home buying process.**
- (5) **The PHA will coordinate several meetings with local institutions (“private and governmental”) that can help us offer the best alternatives on the home buying process to participating families.**

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)

Autonomous Municipal Government of Cabo Rojo

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)

The PHA will undertake activities that are consistent with the following activities included in the Consolidated Plan (2004-2009) in order to encourage public housing residents to become more involved in the management of the housing programs and participate in homeownership:

- a. **Promote self-sufficiency and asset development of assisted households providing or attracting supportive services to improve assistance recipients' employability.**
- b. **Encourage the public housing communities to participate in the preliminary assessment of the nature and extend of impediments to fair housing in public housing initiatives and make suggestions about what they consider that can be done to address those impediments.**
- c. **Make alliances with public and private organizations to provide supportive educational services to tenants.**

Other: (list below)

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

The Consolidated Plan (2004-09) of the Autonomous Municipal Government of Cabo Rojo supports the PHA Annual Plan with the following:

- a. Implement homeownership program. The municipality aims to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the Section 8 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. The objective 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.**
- b. Promote self-sufficiency and asset development of assisted households providing or attracting supportive services to improve assistance recipients' employability. Make alliances with public and private organizations to provide supportive educational services to tenants. Low-income families will be provided opportunities for educational, 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.**
- c. Maintain or increase Section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration.**
- d. Increase assisted housing providing voucher mobility counseling and explaining to tenants the portability concept at the initial evaluation meeting.**
- e. Improve the quality of assisted housing through the increase of customer satisfaction enforcing housing quality standards.**

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

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

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

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

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				

Capital Fund Program Five-Year Action Plan
Part I: Summary

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

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

A-1 Statement of Housing Needs

(Information included on Chapter 5 of the Consolidated Plan of the Autonomous Municipal Government of Cabo Rojo, 2004-2009)

5.4 Housing needs assessment using statistical data

As part of the analysis for this Plan, the city prepared an assessment of the housing needs using statistical data available from different sources. This section is based primarily on information and statistical data available from the US 2000 Census of Housing and Population, and the Comprehensive Housing Affordability Strategy (CHAS) data book provided by HUD in the Internet Website. Any of each resource provided specific data from public housing residents housing needs.

5.4.1 Estimated housing needs

The estimated number of renter and owner households in need of housing assistance and/or housing problems by household size and income status as stated on CHAS data book (2000) is shown on Table 5.4 – 1.

Table 5.4- 1
Estimated of housing needs of all
Household size, type and income group

Type of households	Total Households	Small Households	Large Households	Elderly Households	All Others Households
Renters					
≤30% MFI	823	405	141	136	141
≤50% MFI	1,288	675	203	239	171
>30 to ≤50% MFI	465	270	62	103	30
>50 to ≤80% MFI	543	276	87	103	77
Total of renters	3,119	1,626	493	581	419
Owners					
≤30% MFI	2,001	740	170	651	440
≤50% MFI	3,855	1,465	300	1,539	551
>30 to ≤50% MFI	1,854	725	130	888	111
>50 to ≤80% MFI	2,365	1,138	239	771	217
Total of owners	10,075	4,068	839	3,849	1,319
Total Households	13,194	5,694	1,332	4,430	1,738

The 10,075 owners represent 76.36 percent of total households and renters the remaining 23.64 percent. The groups that predominate in the renter category are the "small households" followed by "elderly households".

In the renter category, 823 of total renter households, representing 26.39 percent of renters have extremely low income levels, in comparison with 19.86 percent of owners in this category.

The CHAS data book reflects a high need for housing among the households that are renters whether they are small, large, elderly and "all others". The study made by "Estudios Técnicos, Inc.", analyzed in other section of this plan, identified and confirmed the housing needs in the municipality.

Table 5.4- 2
Relationship between household type, housing problems
and predominates income range in renters category

Household type	Total households with housing problems	Predominant income range
Small	1,626	<50% MFI
Large	493	<50% MFI
Elderly	581	<50% MFI
All Others	419	<50% MFI
Total	3,119	

Table 5.4- 3
Relationship between households type, housing problems
and predominate income range in owners' category

Households type	Total households with housing problems	Predominate income range
Small	4,068	<50% MFI
Large	839	<50% MFI
Elderly	3,849	<50% MFI
All others	1,319	<50% MFI
Total	10,075	

5.4.2 Housing needs, cost burden and severe cost burden

5.4.2.1 Renters with extremely low income (0-30% of MFI)

The nature and extension of housing needs or housing problems, the cost burden and severe cost burden for renters by income size category is discussed in **Table 5.4 – 4**.

Table 5.4– 4
Renters with extremely low income (0-30% of MFI)

Type of household	Total renter household	With any housing problems	% with any housing problems	Cost burden >30%	Severe cost burden >50%
Small	405	279	68.9	213	181
Large	141	121	85.8	64	70
Elderly	136	56	41.2	38	38
"All others"	141	61	43.3	38	38
Total extremely low income	823	517	62.8	353	327
Total renters	3,119				

The category of renters with extremely low income, (0-30% of MFI), a total of 823, represent 26.39 percent of all renter households. The large household is the category of renters in which highest percentage of families have housing problems, representing 85.8 percent of all households in that category. Otherwise, the small households represent the category with the highest percentage with housing problems among all categories, representing 53.97 percent of the 517 households that reflect housing problems. In addition, 181 households of the 405 in the category of renters small households fall under severe cost burden when the rents they pay are considered, representing 44.69 percent of the total in the small category.

5.4.2.2 Renters with low income (31-50% of MFI)

The table 5.4 – 5 illustrates the data on renters with low income. The category of renters with low income, (30% - 50% of MFI), a total of 465, represent 14.91 percent of all renter households. The renters household with low income and sever cost burden (99) constitute 21.29 percent of the whole renters population of 465. In terms of housing problems, the group with the lowest percentage of households with housing problems is the large category (62) that represents 19.14 percent of the total 324 households with housing problems. The small group is the renter households with highest housing problems with 54.63 percent in all categories. The small category, according to CHAS databook, is in very disadvantaged position in this income group (31-50% MFI).

**Table 5.4– 5
 Renters with low income (31-50% of MFI)**

Type of household	Renters household by category	With any housing problems	% with any housing problems	Cost burden >30%	Sever cost burden >50%
Small	270	177	65.6	125	59
Large	62	62	100	40	10
Elderly	103	63	61.2	59	26
"All others"	30	22	73.3	12	4
Total	465	324		236	99
Total renters	3,119	626		472	198

5.4.2.3 Renters with moderate income (51-80% MFI)

The table 5.4 – 6 illustrates the data on renters with moderate income. The category of renters with moderate income, (51% - 80% of MFI), a total of 543, represent 17.41 percent of all renter households. The renters household with moderate income and sever cost burden (54) constitute 9.94 percent of the whole renters population of 543. In terms of housing problems, the group with the lowest percentage of households with housing problems is the elderly category (38) that represents 14.62 percent of the total 260 households with housing problems. The small renters group is the renter households with highest housing problems with 155 cases, representing 59.62 percent in all categories (260) with housing problems.

Table 5.4– 6
Renters with moderate income (51-80% of MFI)

Type of household	Renters household by category	With housing problems	% with housing problems	Cost burden >30%	Sever cost burden >50%
Small	276	155	56.2	91	24
Large	87	55	63.2	8	0
Elderly	103	38	36.9	34	22
"All others"	77	12	15.6	12	8
Total	543	260		145	54
Total renters	3,119	520		290	108

5.4.2.4 Renters with middle income (81-95% of MFI)

The table 5.4 – 7 illustrates the data on renters with middle income.

The category of renters with middle income, (81% - 95% of MFI), a total of 1,346, represent 43.15 percent of all renter households. There are no renters household with middle income and sever cost burden. In terms of housing problems, the group with the lowest percentage of households with housing problems is the elderly category (16) that represents 3.86 percent of the total 415 households with housing problems. The small renters group is the renter households with highest housing problems with 233 cases, representing 56.14 percent in all categories (415) with housing problems.

Table 5.4– 7
Renters with middle income (81-95% of MFI)

Type of household	Renters household by category	With housing problems	% with housing problems	Cost burden >30%	Sever cost burden >50%
Small	827	233	28.2	30	0
Large	142	85	59.9	8	0
Elderly	113	16	14.2	12	0
"All others"	264	81	30.7	58	0
Total	1,346	415		108	0
Total renters	3,119	830		216	0

5.4.2.5 Owners with extremely low income (0-30% MFI)

The table 5.4 – 8 illustrates the data on owners with extremely low income (0-30% MFI). This category of owners, with a total of 2,001 represents 19.86 percent of all owner households. Otherwise, the small households represent the category with the highest percentage with housing problems among all categories, representing 40.99 percent of the 1,171 households that reflect housing problems. In addition, 315 households of the 689 in the category of owners small households fall under severe cost burden when the rents they pay are considered, representing 45.72 percent of the total under severe cost burden.

Table 5.4– 8
Owners with extremely low income (0-30% of MFI)

Type of household	Owner Household by category	With housing problems	%with housing problems	Cost burden >30%	Severe cost Burden >50%
Elderly	651	323	49.6	287	223
Small	740	480	64.9	394	315
Large	170	144	84.7	72	38
“All others”	440	224	50.9	194	113
Total	2,001	1,171		947	689
Total owners	10,075	2,342		1,894	1,378

5.4.2.6 Owners with low income (31-50% MFI)

The table 5.4 – 9 illustrates the data on owners with low income. The category of owners with low income, (31% - 50% of MFI), a total of **1,854**, represent 18.40 percent of all owner households. The owner households with low income and sever cost burden (**375**) constitute 20.23 percent of the whole low income owners population of **1,854**. In terms of housing problems, the group with the lowest percentage of households with housing problems is the elderly category (322) that represents 36.26 percent of the total 888 households with housing problems in that category. The large category group is the owner households with highest housing problems with 76.9 percent in that category.

Table 5.4– 9
Owners with low income (31-50% of MFI)

Type of household	Owner Household by category	With housing problems	%with housing problems	Cost burden >30%	Severe cost burden >50%
Small	725	391	53.9	238	167
Large	130	100	76.9	34	26
Elderly	888	322	36.3	272	154
“All others”	111	55	49.5	55	28
Total	1,854	868		599	375
Total owners	10,075	1236		1198	750

5.4.2.7 Owners with moderate income (51-80%)

The table 5.4 – 10 illustrates the data on owners with moderate income. The category of owners with moderate income, (51% - 80% of MFI), a total of 2,365 represent 23.47 percent of all owner households. The owners household with moderate income and sever cost burden (288) constitute 12.18 percent of the whole owners population of 2,365. In terms of housing problems, the group with the lowest percentage of households with housing problems is the elderly category (212) that represents 27.5 percent of the total 2,365 households with housing problems. The large owners group is the owner households with highest housing problems with 179 cases, representing 74.9 percent in that category.

Table 5.4– 10
Owners with moderate income (51-80% of MFI)

Type of household	Owner Household by category	With any housing problems	% with any housing problems	Cost burden >30%	Severe cost Burden >50%
Small	1,138	549	48.2	336	146
Large	239	179	74.9	58	8
Elderly	771	212	27.5	170	98
“All others”	217	68	31.2	54	36
Total	2,365	1,008		618	288
Total owners	10,075	2016		1236	576

5.4.2.8 Owners with middle income (81-95% MFI)

The table 5.4 – 11 illustrates the data on owners with middle income. The category of owners with middle income, (81% - 95% of MFI), a total of 6,596 represent 65.47 percent of all owner households. The owners household with middle income and sever cost burden (138) constitute 2.09 percent of the whole owners population of 6,596 in the middle income category. In terms of housing problems, the group with the lowest percentage of households with housing problems is the elderly category (168) that represents 13.9 percent of the total 1,212 households with housing problems in this category. The large owners group is the owner households with highest housing problem, representing this group (480) 58.2 percent of the 825 families in this category.

Table 5.4– 11
Owners with middle income (81-95% of MFI)

Type of household	Owner Household by category	With any housing problems	% with any housing problems	Cost burden >30%	Severe Cost burden >50%
Small	3,909	1,032	26.4	119	94
Large	825	480	58.2	60	12
Elderly	1,212	168	13.9	131	24
“All others”	650	186	28.6	131	8
Total	6,596	1,866		441	138
Total owners	10,075	3,732		882	276

5.4.2.9 Single persons

The 2000 Census of Population data provide data on housing units occupied by single persons. In Cabo Rojo, 21.5 percent of the housing units were occupied by single persons. Of these, 9.0 percent were persons 65 years and over.

5.4.2.10 Elderly/Persons with disabilities

In Chapter 6 of this plan it is included a detailed analysis of the housing needs and demand for the elderly in Cabo Rojo. According to the Census of Population for year 2000, the elderly population in Cabo Rojo (60 year or older) were 8,949.

Senior citizens age group Census 2000	Number	Percent	Cumulative %
Age 60-64	2,483	27.75	27.75
65-74	3,752	41.93	69.68
75-84	2,058	23.00	92.68
85 - older	656	7.33	100.0
Total	8,949	100.0	

Source: Bureau of the Census. 2000 Census of Population. Social and Economic Characteristics.

This group represents 19.1 percent of the population. The forecast for year 2005 is that this population group will increase at least to 9,471 persons if the share of this population segment remains constant as percent of total population. In 2010 it will represent 9,913 persons. The population forecast for year 2005 is 49,649 and 51,896 for year 2010.

Senior citizens age group Forecast 2010	Number	Percent
Age 60-64	2,751	27.75
65-74	4,156	41.93
75-84	2,280	23.00
85 - older	726	7.33
Total	9,913	100.0

Source: Bureau of the Census. 2000 Census of Population. Social and Economic Characteristics.

This tendency demonstrates that there is a necessity for planning housing for this population group.

The 2000 Census Data provide a profile of living arrangements for elderly. A total of 4,224 persons of age 65 or more, 24.7 percent of total households, were household head. A 9 percent of this population was living alone. The poverty condition of the population 65 of age or more merit consideration, therefore a 44.2 percent was below poverty level guidelines according to year 2000 census of population.

According with CHAS 2000 data, the subpopulation of elderly and frail elderly has housing problems. See table on next page.

Type of group: Elderly/disable Renters

Household by Type, Income, & Housing Problem	Extra Elderly 1 & 2 Member Households (A)	Elderly 1 & 2 Member Households (B)	All Other Households (C)	Total (D)
1. Household Income	12	86	168	266
% with any housing problems	100	44.4	83.3	71.5
3. Household Income >30 to 50	8	32	54	94
% with any housing problems	100	75	74.1	76.6
4. Household Income >50 to 80	4	27	65	96
% with any housing problems	0	85.2	56.9	62.5
5. Household Income >80% MFI	18	30	139	187
% with any housing problems	22.2	26.7	29.5	28.3
6. Total Households	34	143	372	549
% with any housing problems	47.1	55.2	57.3	56.1

Type of group: Elderly/disable Owners

Household by Type, Income, & Housing Problem	Extra Elderly 1 & 2 Member Households	Elderly 1 & 2 Member Households	All Other Households	Total Owners
1. Household Income	365	420	680	1,465
% with any housing problems	52	60.1	81.2	69.1
3. Household Income >30 to 50	213	267	351	831
% with any housing problems	31	47.2	62.7	49.6
4. Household Income >50 to 80	113	149	445	707
% with any housing problems	14.2	22.8	52.4	40
5. Household Income >80% MFI	202	213	1,027	1,442
% with any housing problems	16.8	13.6	31.7	27
6. Total Households	680	782	2,152	3,614
% with any housing problems	28.7	35.9	48.6	42.1

5.4.2.11 Persons with HIV/AIDS

In Chapter 6 of this plan it is included a detailed analysis of the housing needs and demand for the persons with HIV/AIDS in Cabo Rojo. The Puerto Rico Housing Department does not provide statistical about persons or families with HIV/AIDS in housing needs.

The CHAS data book and 2000 Census does not provide information on this group. The Department of Health of Puerto Rico maintains data of the incidence of HIV/AIDS. This agency has stated, in its Surveillance Report as of June 30, 2004, that in Cabo Rojo, 169 cases of AIDS were reported. From this total, 108 persons died representing 64 percent of fatality ratio.

The Center for Disease Control has determined that Puerto Rico has the second highest incidence of AIDS among the US states and jurisdictions, including Puerto Rico. The figures reported by the Center (As of May 1995) indicated that for each 100,000 persons in Puerto Rico 69 persons are affected by the AIDS. The only jurisdiction with higher cases is New York, 71.3 cases per 100,000 habitant. (Source Center for disease Control, Atlanta, Georgia.)

The PR Department of Health Statistic demonstrates that of the 169 cases reported, 96 are in the age groups of 20 to 39 years old, representing 57 percent of total cases. These tendencies demonstrate that the younger populations, in the most productive stage of their lives, are more affected by the AIDS problem. These population groups affected by the AIDS require special housing needs. Most of them require shelter because are highly vulnerable to become part of homeless population.

Racial/ ethnic composition

The ethnic composition of the population is considered under the census category of Hispanics. In the renters group 2,440 out of the total 2484 households (98.23%) percent of the City households are Hispanics. In the owners group 7,864 out of the total 7,903 households, representing 99.51% percent are Hispanics. The income group distribution in the renters group is as shown in Table 5.4-12 and for the owner group is included in Table 5.4-13.

The City does not have a racial or ethnic group disproportionately greater in comparison with the whole population. The city does not need to complete an assessment of any specific need.

Table 5.4– 12. Renters- Ethnic group and income status

Household by minority status	Income Group				
	<=30% MFI	<=50% MFI	<30%<=50% MFI	<50%<=80% MFI	<80% MFI
All households (Hispanic)	533	852	363	289	403
Black (non hispanics)	0	0	0	0	0
White (non hispanics)	14	14	0	4	12
Asian Pacific Islander (non hispanics)	0	0	0	0	0
Total	547	866	363	293	415

Total of all groups.....5,287

**Table 5.4-13
 Owners- Ethnic group and income status**

Household by minority status	Income Group				
	<=30% MFI	<=50% MFI	<30%<=50% % MFI	<50%<=80% % MFI	<80% MFI
All households (Hispanic)	1,302	2,492	952	1,119	1,999
Black (non hispanics)	0	0	0	0	4
White (non Hispanics)	4	15	8	0	8
Asian Pacific Islander (non hispanics)	0	0	0	0	0
Total	1,306	2,507	960	1,119	2,011

Total all groups.....7,903

5.4.3 Substandard units, overcrowding units, cost burden, severe cost burden

The Table 5.4 - 14 shows housing units affordability for renter households and Table 5.4 – 15 shows the equivalent data for the owners group.

Table 5.4– 14

Income Range	Units by # of bedrooms			
	0-1	2	3 or more	Total
<=30%	218	71	50	339
Within 30%	187	108	115	410
>30%<=50%	148	96	49	293
Within 80%	89	105	38	232
<80%	223	146	256	625
<80%	181	166	252	559
Total	1046	692	760	2,458

Source: HUD, CHAS Database. 2000

Table 5.4– 15

Income Range	Units by # of bedrooms			
	0-1	2	3 or more	Total
<=30%	N/A	N/A	N/A	N/A
Within 30%	N/A	N/A	N/A	N/A
<=50%	322	209	106	637
Within 50%	389	335	252	976
>50% <=80%	203	102	139	444
<80%	289	253	446	988
Total	1,203	899	943	3,045

Source: HUD, CHAS Database. 2000

According with US Census 2000, there are in the Municipality 1,067 housing units without complete plumbing facilities. These represent a 6.02 percent of all occupied housing units.

5.4.4 Subpopulation of persons and/or homeless families, nature and extension of homelessness

The available data¹ shows that there were in Cabo Rojo 18 homeless persons, 15 male and 3 female in year 2003. The age groups with more concentration of homeless persons are ages 40 to 52 which accounts for 50% (9) homeless. The alcoholism and drugs are the two main conditions affecting these persons. While this data is the most recent island-wide documentation on homelessness, in the case of Cabo Rojo it under estimate the problem. Our own appraisal of the problem, using the information of local non-profit organizations providing food, and others services, to homeless is that there are over 50 homeless in Cabo Rojo.

5.4.5 Special Needs Not homeless

Elderly/Frail elderly

According to Census, 2000 data, the elderly population in Cabo Rojo (60 years or older) were 8,949. This group represents 19.1 percent of total population; 4,139 were male and 4,810 of total senior citizens were female. The senior citizen population is distributed as shown below:

Table 5.4.5.1: Senior citizen population by age group, Cabo Rojo

Age group	Number	Percent	Cumulative %
Age 60-64	2,483	27.75	27.75
65-74	3,752	41.93	69.68
75-84	2,058	23.00	92.68
85 - older	656	7.33	100.0
Total	8,949	100.0	

Source: Bureau of the Census. 2000 Census of Population. Social and Economic Characteristics.

Census 2000 indicates that the urban area of Cabo Rojo has 36.5 percent of population below poverty level. The 32.9 percent of senior citizen 65 years and over living in the urban zone were below poverty level.²

Table 5.4.5.2: Senior citizen population by poverty level, Cabo Rojo

Age group	Number of persons
<i>Below poverty level</i>	
65 to 74	1,525
75 and over	1,331
<i>In or over poverty level</i>	
65 to 74	2,196
75 and over	1,404

Source: Bureau of the Census. 2000 Census of Population. Social and Economic Characteristics. Table P87: Poverty Condition 1999 by age

In the category of household living alone (3,683 persons), 1,541 persons were senior citizens of 65 years and over.

A significant population of 65 years and over was classified under disability status of the civilian non-institutional population. In some cases, the individual has more than one disable condition:

Category of disability by sex	Male	Female
Sensory	168	228
Physical	273	385
Mental	94	210
Self-care	68	135
Going outside the home (mobility)	188	302
Total	791	1,260

This population needs special services such as day care center, health services, recreational services, nursing home care, transportation services, domestic assistance and asylums. The City operates an elderly daycare center that provides meals, recreational activities and transportation to medical appointments. No private elderly housing operates in the city. The City operates a Senior Citizens Homestead, rarely has vacant.

According with CHAS 2000 data, Cabo Rojo Public Housing Authority (PHA) waiting list, day care center beneficiaries, and citizen participation process, housing needs exists for this population and are in need of housing with supportive services and low monthly payments. Most can not afford the housing available in market (condition of poverty level and income status). The problem with developing elderly/disable housing is the high cost of dwelling construction, paired with the low income of most elderly persons or elderly families. There are not many housing construction subsidies for this population.

A 1.1 Housing Needs of Families on the Waiting List

Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/sub jurisdiction:			
	# of families	% of total families ⁽¹⁾	Annual Turnover
Waiting list total	283		
Extremely low income (≤30% AMI)	251	89%	
Very low income (>30% but ≤50% AMI)	18	6%	
Low income (>50% but <80% AMI)	14	5%	
Families with children	121	43%	
Elderly families	4	1%	
Families with disabilities	5	2%	
Race/ethnicity			

The Waiting List was updated on February 29, 2008, using the procedures established on the Housing Choice Voucher Program Guidebook (Chapter 4: Waiting List and Selection of Participants, page 4-5), 24 CFR 982.204 and the Administrative Plan (Chapter 6: Policy of Applicant Selection from the Waiting List, Section J, pages 6-16 to 6-17). As established on Chapter 6 of the Administrative Plan, the PHA mailed a letter to applicant's last known address requesting information regarding their continued interest in maintaining a place on the waiting list. The purpose of updating the Waiting List is to ensure that it is current and accurate.

The Waiting List was entered into a new database created by the Municipality's Information Technology Office to storage and manages applicants' information. The creation of this database was part of the Corrective Action Plan for the Section Eight Management Assessment Program (SEMAP) for fiscal year ended on 6/30/07. Our PHA has been using it since February 2008.

As part of the quality control procedures, the new database system has a login form with password to ensure the proper use of the information. It has the following features: (a) search menu with dropdown list, that facilitate the search for applicant's information, (b) main form, that shows all applicant's information, comments and preference, (c) notes and comment form to register additional information, and (d) reports menu, which facilitate the gathering of different reports.

A-2 Statement of PHA's Deconcentration and other Policies that Govern Eligibility, Selection, and Admissions

1. The PHA's Deconcentration Policy is included on the Administrative Plan, Chapter 3: Outreach Procedures, Section C, pages 3.2 - 3.3.
2. Other Policies that govern eligibility, selection and admissions are included on Chapters 4, 5 & 6 of the Administrative Plan.

A-3 Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of the Federal public housing and tenant based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not to be state. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses

Sources	Planned \$	Planned Uses
1. Federal Grants (FY 200 grants)		
a) Public Housing Operational Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$503,385.00	\$503,385.00
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
Fair Share Allocation Incremental Vouchers		
2. Prior Year Federal Grants (un obligated funds only) (list below)		
3. Public Housing Dwelling Rental Income		
4. Other Income (list below)		
5. Non Federal sources (list below)		
Total Resources	\$503,385.00	\$503,385.00

A-4 Statement of the PHA's Rent Determination

1. Payments Standards
 - a. The PHA's payment standard is 90% of FMR.
 - b. Payment Standards are reevaluated annually to ensure adequacy.
 - c. The PHA considers rent burdens of assisted families in its adequacy of its payment standards.

2. Minimum Rent
 - a. The PHA's minimum rent is \$50.
 - b. The PHA has established a Minimum Rent Hardship Exemption Policy (included on the Administrative Plan Revision on March 2007, Chapter 8: Policy on Absences from the Assisted Unit and Income Determination for Calculation of Total Tenant Payment, Section D, page 8.19-8.20).

3. The PHA's Rent Determination Policy is included on the Administrative Plan, Chapter 14: Owner Payment and Utility Allowance.

A-5 Statement of the PHA’s Management Organization, and a Listing of the Programs Administered by the PHA

1. The PHA’s Management and Organization Structure is included on the Administrative Plan, Chapter 2: Organization Structure.
2. HUD Programs under PHA Management

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	N/A	N/A
Section 8 Vouchers	107	107
Section 8 Certificates	N/A	N/A
Section 8 Mod Rehab	N/A	
Special Purpose Section 8 Certificates/Vouchers (list individually)	N/A	N/A
Public Housing Drug Elimination Program (PHDEP)	N/A	N/A
Other Federal Programs(list individually)	N/A	N/A

A-6 Statement of the Homeownership Programs Administered by the PHA

The Municipality of Cabo Rojo has the goal of establishing a viable and effective Homeownership Program in accordance with the Quality Housing and Work Responsibility Act of 1998. One of the major objectives of the Municipality of Cabo Rojo is to create maximum opportunities to both low and very low income families to become first-time homeowners and will attempt the necessary procedures to promote that program within its housing program.

On 2006, the Municipality of Cabo Rojo submitted a Homeownership Plan to HUD. On February 20, 2007 our municipality received a letter from Mrs. Olga Sáez, Director-San Juan HUB-Office of Public Housing, congratulating us because the submittal of the Homeownership Administrative Plan is the first step to help families in the Municipality of Cabo Rojo achieve the dream of homeownership and build financial stability.

By establishing a Section 8 Homeownership Program, the PHA will have contact with some housing counseling services to help educate more families about the financial responsibilities of homeownership. These programs coupled with the local banks can help families go step by step through the home buying process.

A-7 Additional Information

[24 CFR Part 903.12 (b), 903.7 (r)]

A-7.1 Statement of the PHA's Progress in Meeting the Mission and Goals Described in the 5-Year Plan

Provide a statement of the PHA's progress against the goals and objectives established in the previous 5-Year Plan for the period FY 2005- 2009.)

The mission of the PHA is the same as that of the Department of Housing and Urban Development: *To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.*

The municipality's efforts to progress in meeting its mission and goals are the followings:

PHA Goal: Expand the supply of assisted housing

- The Municipality of Cabo Rojo continues searching for opportunities to apply for additional rental vouchers if they become available.

PHA Goal: Improve the quality of assisted housing

- The PHA continues enforcing the housing quality standards to ensure that the assisted housing units are "decent, safe, and sanitary".
- The PHA staff will continue participating in trainings provided by HUD and other agencies.
- All landlords are oriented about the Section 8 Program requirements.
- Continue with our established goal of providing improved conditions for extremely low-income families while maintaining their rent payments at an affordable level.

PHA Goal: Increase assisted housing choices

- In the year 2006, the PHA submitted to HUD the Homeownership Administrative Plan and during 2008-2009 will begin the orientation process to implement this housing option.
- The PHA will schedule several meetings with tenants and owners in which the Section 8 staff will provide to them orientation about the Homeownership Program.
- The PHA will contact some of the housing counseling services and local institutions ("private and governmental") to help educate more families about the financial responsibilities of homeownership.

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

- The PHA continues implementing measures to deconcentrate poverty by promoting the Owners Outreach Program which encourages program participation by owners of units located outside areas of poverty to allow more choices and better housing opportunities for families.
- The PHA periodically evaluates the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.
- Provide an incentive to private owners to rent their units to economically disadvantaged families by offering timely assistance payments and protection against unpaid rent, damages, and vacancy loss. To ensure the timely assistance payment, the PHA has established the direct deposit system.
- Promote freedom of housing choice to extremely low income families within our community.

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

- As part of the implementation of the Homeownership Program, the PHA is planning to contact some of the housing counseling services to help educate more families about the financial responsibilities of the home buying process. This will include alliances with public and private organizations to provide supportive educational services to tenants.

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

- Section 8 applicants, participants and landlords are oriented in order to comply with Equal Housing Opportunities and laws.
- Affirmative measures are taken to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability.

Other PHA Goals: UIV Policy, use and monitoring income discrepancies and elimination of subsidy payment errors

- The PHA continues using the Enterprise Income Verification (EIV) System, as an Up-front Income Verification (UIV) tool, to increase accuracy and efficiency in determining family eligibility and computing rent calculations.

The Municipality of Cabo Rojo continues to evaluate the goals and strategies that have been established so that it can better meet the demand of housing.

A-7.2 Criteria for Substantial Deviations and Significant Amendments

(1) Amendment and Deviation Definitions

[24 CFR Part 903.7(r)]

a. Substantial Deviation from the 5-Year Plan for HUD approval.

For fiscal year 2008-2009, the PHA will implement the Homeownership Program. It will schedule several meetings with Section 8 participants to provide orientation about the house buying process.

b. Significant Amendment or Modification to the Annual Plan

The Annual Plan 2008-2009 includes the followings modifications to improve the previous PHA Plan:

- (1) The housing needs table was updated in response to new information obtained from official sources and an analysis of the PHA waiting list (Attachment A .1 & A 1.2).
- (2) The Administrative Plan was revised on February 2008 in order to include the PHA's written procedure to ensure a quality control in the management of the information of families on the waiting list. It was incorporated on Chapter 6: Policy on Applicant Selection from the Waiting List, Section M, page 6.18. It includes the use of the new internal database system created by the Municipality's Information Technology Office.

A-7.3 Other Information

[24 CFR Part 903.13, 903.15]

(1) Membership of the Resident Advisory Boards of Boards

The following participants are members of the Resident Advisory Board:

Olga I. Rivera Borges
President
Calle Ángel Franco #18
Cabo Rojo, P.R. 00623

Aisha Laracuenta Cardona
Vice-President
HC-01 Box 6485
Cabo Rojo, P.R. 00623

Lisette Ojeda Asencio
Secretary
Callejón Fagundo #6
Cabo Rojo, P.R. 00623

Sandra I. Seda Colón
Treasurer
P.O. Box 217
Cabo Rojo, P.R. 00623

Haydee J. Vega Rosas
Vocal
Calle Rossy #45 Altos
Cabo Rojo, P.R. 00623

Edwin Mercado Ruiz
Vocal
Calle Rossy #84
Esquina Muñoz Rivera
Cabo Rojo, P.R. 00623

(2) Resident Membership on PHA Governing Board

The governing board of each PHA is required to have at least one member who is directly assisted by the PHA, unless the PHA meets certain exemption criteria. Regulations governing the resident board member are found at 24 CFR Part 964, Subpart E.

The Municipality of Cabo Rojo doesn't have a PHA governing board, since the mayor is the Executive Director of the PHA.

a. Does the PHA governing board include at least one member who is directly assisted by the PHA this year?

Yes No:

If yes, complete the following:

Name of Resident Member of the PHA Governing Board:

Method of Selection:

Appointment

The term of appointment is (include the date term expires):

Election by Residents (if checked, complete next section--Description of Resident Election Process)

Description of Resident Election Process

Nomination of candidates for place on the ballot: (select all that apply)

- Candidates were nominated by resident and assisted family organizations
- Candidates could be nominated by any adult recipient of PHA assistance
- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- Other: (describe)

Eligible candidates: (select one)

- Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance
- Any adult member of a resident or assisted family organization
- Other (list)

Eligible voters: (select all that apply)

- All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- Representatives of all PHA resident and assisted family organizations
- Other (list)

b. If the PHA governing board does not have at least one member who is directly assisted by the PHA, why not?

- The PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis
- The PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.
- Other (explain):

The Mayor of the Municipality of Cabo Rojo, was elected to administer the Municipal Government and is the Executive Director of the PHA.

Date of next term expiration of a governing board member: **06/30/2009**

(3) Public Hearing Announcement

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Estado Libre Asociado de Puerto Rico
Gobierno Municipal de Isabela
 Legislatura Municipal
 201 Roca 100 Isabela, Puerto Rico 00968
 Tel: (787) 872-8888 • Fax: (787) 872-8888

AVISO

La Legislatura Municipal de Isabela, Puerto Rico en Sesión Extraordinaria celebrada el 16 de noviembre de 2007, aprobaron la Ordenanza Núm. 15, Serie 2007-2008:

ORDENANZA NÚMERO 15 SERIE 2007-2008

PARA DEROGAR LA ORDENANZA NÚMERO 24, SERIE 2006-2007 Y PARA DEFINIR LOS POR CIENTOS DEL IMPUESTO MUNICIPAL (APORTACIÓN CIUDADANA) DEL UNO PUNTO CINCO POR CIENTO (1.5%) SOBRE LAS VENTAS Y EL USO DEL (IVU) DENTRO DEL MUNICIPIO DE ISABELA A SER CORRADOS POR EL MUNICIPIO Y EL SECRETARIO DE HACIENDA DE ACUERDO A LA LEY 80 DEL 29 DE JULIO DE 2007, SU FECHA DE EFECTIVIDAD, DELIMITAR SU ALCANCE, ESTABLECER LA REGLA GENERAL, LAS LIMITACIONES Y LAS DISPOSICIONES ADMINISTRATIVAS DE DICHO IMPUESTO, Y PARA OTROS FINES.

Esta Ordenanza comenzará a regir a los diez (10) días después de su publicación.

Cualquier persona natural o jurídica podrá obtener copia, debidamente certificada del texto completo de esta Ordenanza en la Secretaría de la Legislatura Municipal mediante el pago de los derechos correspondientes.

Glenda M. Pérez
 Glenda M. Pérez
 Secretaria

ESTADO LIBRE ASOCIADO DE PUERTO RICO
Municipio Autónomo de Cabo Rojo
 Oficina del Alcalde
 Apartado 1706 Cabo Rojo, Puerto Rico 00923

Aviso de Vista Pública

El Municipio Autónomo de Cabo Rojo está preparando el Plan Anual del Programa de Oportunidades de Vivienda Bajo Vale (Decreto 8) para el año fiscal 2008-2009. Este plan de acción contiene detalles acerca de la misión, objetivos, metas, estrategias operacionales, programas y servicios que han sido establecidos y/o implementados por nuestro Municipio para atender las necesidades de vivienda bajo el Programa de Vivienda Subsidada.

De acuerdo con la Ley de Responsabilidad de Trabajo y Calidad de Vivienda de 1998, (Quality Housing and Work Responsibility Act), se invita a participación al Programa, a formar parte de la Junta de Residentes. La Junta deberá ser un comité representativo del Programa y servir de enlace entre el Municipio y todos los participantes del Programa. Los miembros de esta Junta deberán conocer la administración, manejo y política del Programa y estar informados de los cambios que pudieran afectar a los participantes, para de esta forma mejorar las condiciones de vivienda. Las personas interesadas en pertenecer a la Junta deberán acercarse personalmente o comunicarse con la Oficina de Sección 8 del Municipio Autónomo de Cabo Rojo.

Además, se solicita al público en general a participar de la Vista Pública que se llevará a cabo, según se indica:

Fecha: 21 de febrero de 2008
Hora: 9:00 AM
Lugar: Museo de las Princesas Don Luis A. Ferré Aguado
 Carr. 312 Km. 0.4 Intersect. Cabo Rojo, P.R.

En esta Vista Pública se discutirán los procedimientos de nuestro Municipio, la propuesta para el Plan Anual y se recibirán comentarios y/o sugerencias del público con respecto al Plan Anual y la implementación del Programa de Vivienda Subsidada.

El Plan y todos los documentos asociados estarán disponibles en la Oficina de Sección 8 (Ubicada en la Calle Río Pinar, Edificio de Comercio, Sector Plaza de nuestro municipio durante horas laborales, para un comentario por el público en general, organizaciones sin fines de lucro y todos aquellos interesados).

Las personas que no puedan asistir a la Vista Pública o aquellos que desearán presentar dichos comentarios, así como quienes deseen estar inscritos a la fecha de la vista pública, con la Oficina de Sección 8, para los arreglos pertinentes, al (787) 433-1025, ext. 338-9-925, o a través del correo electrónico: seccion8@caborajo.net.

Dado hoy, 21 de noviembre de 2007, en Cabo Rojo, P.R.

Roberto Pagan Centeno
 Hon. Roberto Pagan Centeno
 Alcalde

Este anuncio se publica según requerido por el 20 CFR 90.017, 90.013 "Calidad de Oportunidades de Vivienda"

PRIMERA HORA, VIERNES 7 DE DICIEMBRE DE 2007

AVISOS Y SUBASTAS

Sears

NOTA ACLARATORIA A NUESTROS CLIENTES

En nuestra circular Pide un Deseo con ofertas válidas del 7 al 8 de diciembre de 2007, en la portada, el "trimmer" Craftsman #79187 tiene el precio especial incorrecto y debió leer esp. \$139.99. Disculpas cualquier inconveniente que esto les haya podido causar.

ESTADO LIBRE ASOCIADO DE PUERTO RICO
Gobierno Municipal de JUNCOS
 Programa de Vivienda Subsidada- Sección 8
 Apartado Postal 1706 Juncos, P.R. 00777

AVISO

El Municipio de Juncos está elaborando el Plan Anual del Programa de Sección 8 para el año fiscal 2008-2009. El Plan Anual o Plan de Acción contiene información sobre la operación de los programas y servicios, y de cómo se atenderán las necesidades de vivienda de las familias participantes. Con el propósito de preparar este Plan y garantizar la participación de las familias en el desarrollo de las actividades...

ESTADO LIBRE ASOCIADO DE PUERTO RICO
Oficina del Gobernador
 Junta de Calidad Ambiental
 23 años de Gestión Ambiental • 1984 de Servicio Público Ciudadano

AVISO AMBIENTAL
 DECLARACIÓN DE IMPACTO AMBIENTAL
 PRELIMINAR ACTUALIZADA

La Agencia Proponente, Compañía de Comercio y Exportación de P.R. ha sometido a la Junta de Calidad Ambiental una Declaración de Impacto Ambiental Preliminar Actualizada (DIA-PA) para la acción descrita abajo.

Esta (DIA-PA) tiene el propósito de que se incluya información adicional surgida durante el proceso de evaluación de la (DIA-Preliminar), que confiera un impacto ambiental significativo. Copias de dicho documento se encuentran disponibles para la inspección en la red de computadores "Intranet", a través de la dirección www.ica.gov.pr, con Alcabala Municipio de Toa Baja, Compañía de Comercio y Exportación de P.R. y en la Junta de Calidad Ambiental, localizada en la Avenida Ponce de León #1306, Carr. Estatal 8838, Sector El Circo, Río Piedras. Las personas que tengan información que pueda ser útil en la evaluación de la acción propuesta, pueden enviar la misma por escrito a la Agencia Proponente con copia a la Junta de Calidad Ambiental dentro de un término de treinta (30) días consecutivos siguientes a la publicación de este aviso. También durante este término tienen derecho a solicitar una vista pública.

DIA Núm.: ICA-95-008 (CCCE-Consul-1002-13-1010-JP) La Plata Shipping Center

Agencia Proponente: Compañía de Comercio y Exportación de P.R. PO Box 19009 San Juan, Puerto Rico 00919-5009

Fundación Responsable: St. Javier Matos Vázquez
Teléfono: (787) 294-0101 Ext. 2150

Entidad privada que posee la acción: Glisaa, Pinaro & Assoc.

Descripción de Acción: Ubicación de un Centro Comercial de aparcamiento un millón de pies cuadrados de área bruta para ventas al detall, oficinas y servicios. Ocupará un área de 64.28 cuerdas de una finca con área total de 91.5777 cuerdas.

Localización: Intersección de las Carreteras PR-2, PR-365 y PR-32 Bv. Media Luna del Municipio de Toa Baja, PR

ESTADO LIBRE ASOCIADO DE PUERTO RICO
Municipio Autónomo de LARES
 P.O. Box 303
 Lares, Puerto Rico 00649

AVISO VISTAS PÚBLICAS

El Municipio Autónomo de Lares es elegible para recibir fondos del Centro de Recaudación de Ingresos Municipales (CRIM) provenientes del Programa de Participación Ciudadana para el Desarrollo Municipal, Resolución Conjunta #116 del 23 de julio de 2007, a tener con el Artículo 16.001 de la Ley 81 del 30 de agosto de 1991, según enmendada, conocida como Ley de Municipios Autónomos de Puerto Rico. La participación máxima del Municipio es de \$61,515.20.

Para cumplir con el requisito de Participación Ciudadana se exhibe a los asociados de ciudadanos y asociaciones Distrito Comercial a beneficiarios de este programa. Los fondos de este programa son competitivos. Estos podrán usarse para el desarrollo de obras y propuestas de mejoramiento que cumplan con los criterios establecidos. Para cualificar el proponente deberá presentar el programa una migración de fondos proporcional al 50% del costo total de la obra presentada.

En caso de que no se sometieran propuestas de mejoramiento, los fondos del programa se usarán para las propuestas que proporcione el Alcalde con la aprobación de la Legislatura Municipal. Por tanto, exhortamos a los ciudadanos, asociaciones participantes a someter por escrito sus recomendaciones o comentarios referente a proyectos de obras públicas y mejoras comunitarias que puedan ser consideradas en la propuesta que someterá este Municipio para el uso de fondos que se asignarán en el corriente año 2008-2007.

A los efectos de promover la participación ciudadana se celebrará la siguiente Vista Pública:

Fecha: 18 de diciembre/2007
Hora: 6:00 p.m.
Lugar: Salón Legislatura Municipal (Edificio antes Supermercado Central)

R. P. Pagan Centeno
 HON. ROBERTO PAGAN CENTENO
 ALCALDE

Los participantes del Programa de Sección 8 tienen el derecho de estar involucrados en el desarrollo de sus planes. Esto será mediante una Junta que estará tan comprometida durante la preparación del Plan. Además, todos los participantes tendrán la oportunidad de ver y comentar sobre el mismo durante el término de la presentación de su borrador final. Lo que culminará con una Audiencia Pública. Una vez completado el Plan, se notificará a través de un Aviso Público de la Audiencia Pública para finalizar el proceso con el cierre de inscripción.

La Junta de Participantes deberá ser un comité representativo del Programa y servir de enlace entre el Municipio y todos los participantes de Sección 8. Solo los participantes activos del Programa (mayores de 18 años) podrán presentar esta Junta, aunque cualquier ciudadano puede recibir comentarios durante las vistas públicas. Los participantes tienen que estar involucrados para:

1. Mantener las condiciones en las viviendas
2. Mantenerse informados de los cambios en el Programa
3. Conocer las políticas de manejo y administración del Programa
4. Cumplir con su obligación como participante

Las personas interesadas en pertenecer a esta Junta pueden presentarse personalmente o comunicarse a la Oficina de Sección 8 del Municipio de Juncos en horas laborales, durante los días del 7 de diciembre de 2007 al 20 de diciembre de 2007.

Dirección: Calle Escorial, Antiguo Edificio Coop. Juncos, Puerto Rico
Teléfono: (787) 734-0026/0031

La fecha, hora y lugar de la vista pública para la presentación del Plan será notificada con 45 días de anticipación en un periódico de mayor circulación. Además, habrá copia del mismo en las Oficinas del Programa de Sección 8. Recuerde que todos los participantes tendrán la oportunidad de ver y comentar sobre el Plan Anual durante el término de la presentación de su borrador final lo que culminará con la Audiencia Pública.

Dado en Juncos, Puerto Rico

Alfonso Alejandro Centeno
 Alfonso Alejandro Centeno
 Alcalde

Este anuncio se publica según requerido por el 20 CFR 90.017

(4) Public Hearing Agenda

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(Hearing agenda included in hard copy)

(5) Public Hearing Summary

COMMONWEALTH OF PUERTO RICO
Autonomous Municipality of Cabo Rojo
Federal Programs Office
Section Program

P.O. Box 1308
Cabo Rojo, Puerto Rico 00623

Phone (787) 851-1025
Fax (787) 255-3939

Public Hearing
PHA Annual Plan 2008-2009

Date: February 21, 2008
Hour: 9:00 A.M.
Location: *Museo de los Próceres Don Luis A. Ferré Aguayo*
312 Street Km. 4.0 interior, Cabo Rojo, P.R.

Participants:

1. Hon. Perza Rodríguez-Mayor
 2. Evelyn Ramírez- Section 8 Coordinator
 3. José R. Toro- Section 8 Inspector
 4. Jonathan Morel- Section 8 Accountant
 5. Yolanda Ramírez- Section 8 Secretary
 6. Lourdes M. Negrón- Internal Auditor
 7. Víctor Matos- Municipality's Press Director
 8. Elsie Martínez Administrative Assistant from the Municipality's Press Office
 9. Section 8 tenants and owners (list of attendance included)
-

- 1- At 8:45 a.m. the registration process began. It was in charge of Yolanda Ramírez, Section 8 Secretary. Participants were provided with an agenda and a comments sheet.
- 2- At 9:15 a.m. Evelyn Ramírez, Section 8 Coordinator, offered a formal greeting to all public hearing participants and explained that the meeting has the purpose to perform the PHA Annual Plan 2008-2009 Public Hearings, required by HUD, as established by the Code of Federal Regulations (24 CFR 903).
- 3- Hon. Perza Rodríguez, Mayor, offered an invocation and a message to all tenants and owners.
- 4- Then the Section 8 Coordinator offered an introduction and read the public hearing announcement as published in *Periodico Primera Hora* on December 7, 2008.

- 5- Each part of the PHA Annual Plan 2008-2009, that will be submitted to the Housing and Urban Development (HUD) as established by the Section 8 of the Quality Housing and Work Responsibility Act of 1998 and the Code of Federal Regulations (24 CFR 982), were discussed in detailed by the Section 8 Coordinator and José R. Toro, Section 8 Inspector. In summary, the following aspects were emphasized in the public hearings:
 - a- José R. Toro, Section 8 Inspector, offered a brief orientation about the Section 8 Program, mission, objectives, steps that the PHA has taken to ensure the consistency of the PHA Plan with the Consolidated Plan of the Autonomous Municipality of Cabo Rojo and how the Consolidated Plan of the jurisdiction supports the PHA Plan. In addition, he orientated tenants and owners about the Homeownership Program and what actions the PHA will undertake to implement the program this year.
 - b- The Section 8 Coordinator mentioned the housing needs of the families in the Municipality of Cabo Rojo, making emphasis in the housing needs of the families in the waiting list. Tenants and owners were informed that a new internal database system has been used in the PHA since February 2008. It was created by the Municipality's Information Technology Office.
 - c- The Section 8 Coordinator presented the Resident Advisor Board and explained what it is and its functions, roles and responsibilities. A certification form was provided to each resident advisory board to be completed and included with the PHA Plan.
- 6- Tenants and owners received instructions to complete the comments sheet. The Section 8 Coordinator mentioned that it has the purpose to ensure that the families' needs are being addressed. Those who want to offer comments on front, were informed that they would be assigned a number in order to develop the process in an organized manner.
- 7- The followings are questions made by tenants and the answers given to them:
 - a- Ricardo Vélez, tenant, ask if there are any option in which the Section 8 Program pay the complete amount of rent in a lease contract when a family has three handicapped members. He was informed that the Section 8 Program provides assistance to families base on a calculation of assistance amount. It depends on many factors, such as: voucher size, rent, payment Standard, family income, utility allowances, deductions, etc.
 - b- Wanda Quiñones, tenant, ask if her son find a job can her family apply for homeownership assistance based on one family member income. She was informed that the family will be evaluated and must meet all the requirements applicable established in the Administrative Plan for the Section 8 Homeownership Program.

- c- After answering all questions and there were no additional question or comment, the public hearing ended at 11:10 a.m.

Prepared by:

Evelyn Ramírez Martínez
Section 8Coordinator

(6) Lists of Attendance to the Public Hearing

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(8) Public Hearing's Comments

The following are comments made by the Public Hearing's attendants:

(Copy of the original comments sheet forms were included in the Attachment A-8 Other Documents and Certifications (Separate Hard Copy Submissions to Local HUD Field Office))

- a. *"I liked the meeting a lot. The museum is very comfortable for conferences. All of my questions were answered. The conference was very instructive. There should be more vouchers so more needy persons could qualify. I'm very happy and grateful to be part of the Section 8 Program because I was in need of a house in good condition for a long time." –Marta Olivo Vargas*
- b. *"For the moment, I'm very satisfied with the program procedures. The Homeownership Program requirements should be reevaluated because a lot of people aren't able to acquire a home. For example, not having the opportunity of finding a job of approximately 30 hours."- Aisha Laracuente*
- c. *"I'm satisfied with the Section 8 Program of our Municipality. The Homeownership Program is a very good idea but the eligibility criteria should be reevaluated. A lot of families with a disabled child can't work and is not able to purchase a home." - Brunilda Velez*
- d. *"The Homeownership program is a good idea for those who are working. Also, the participants that don't assist to Section 8 meetings should be penalized. The meeting was very interesting."- Haydee Vega*
- e. *"I believe the Section 8 Program is very good. It's helping a lot of families and it should have more vouchers so more persons can participate. It's very well administered by professional persons".- Olga Rivera*
- f. *"I believe the Section 8 Program is one of the best federal programs in Puerto Rico. The Municipality of Cabo Rojo Section 8 staff is efficient and they know their work very well. They are strict and honest people." - Arsenio Moya*
- g. *"I'm very happy with the staff and the federal program that does justice to those with greater needs. A very well administered office with a friendly staff. If I owned more properties, they would be in the program. The conference was very well illustrated and explained." -Ramon Pérez*

(9) PHA Consideration to Public Hearing's Comments

- a. In order to comply with the non-discrimination and equal opportunity requirements (For example: Section 504 of the Rehabilitation Act of 1973, Title VI of the 1964 Civil Rights Act, Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act (ADA), HUD Notice PIH 95-48, and others), the PHA is required to make the Housing Choice Voucher Program available and accessible to all eligible families. The PHA must ensure that all individuals, including those with disabilities, will receive equal opportunity to participate in program services and activities in the most appropriate setting. In addition, the Public Hearing announcement published on the newspaper indicated if a person needs a reasonable accommodation, he/she should inform it to make the corresponding arrangements. The Museum of Cabo Rojo is an accessible place with many facilities, including handicap amenities.
- b. The PHA is searching for additional proposals to request more vouchers, as they become available. Also, it's looking for other alternatives to expand the housing opportunities (For example: Homeownership Program) .
- c. All the PHA procedures are established in its Administrative Plan, which is available for public review. At this moment, the PHA has two Administrative Plan, one for the Housing Choice Voucher Program and one for the Homeownership Program. The Administrative Plan for the Homeownership Program was developed according to the Final Rule (24 CFR Parts 5, 903 and 982–October 18, 2002). The income requirements are based on the 24 CFR 982.627. In order to apply for a mortgage in any financial institution, the family must have an income that meets the requirements of the institution and the homeownership program.
- d. The PHA is in process to schedule orientations regarding the Homeownership Program that will be offered during this year to help families better understand this new housing option. It is planning to offer the first one on April 2008.
- e. The PHA will continue attending trainings in order to provide participants and homeowners with the most complete and accurate information.
- f. Participants are orientated about their responsibility to attend public hearings and/or orientations in order to be informed about changes.
- g. All owners are orientated about their responsibilities, obligations and rules under the program. This is a process taken with all new participating owners and are reminded on each contract renewal.

(10) Public Hearing's Photos

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(11) Resident Advisory Boards Certifications

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A-8 Other Documents and Certifications

(1) Quality Control Procedure for the Management of Information on the Waiting List

(As included on the Administrative Plan Revision on February 2008, Chapter 6: Policy on Applicant Selection from the Waiting List, Section M. Quality Control, page 6.18. This policy was revised to include a paragraph about the use of the new internal database system created by our Municipality's Information Technology Office)

Quality Control Procedure

To ensure a proper management of the information of families on the waiting list the PHA created a database program which will organize the applicants according to preference priority. A user name and password will be required as a security measure. The information stored on the database will be the participants name, social security number, family composition, income and preferences if applicable. This program is capable of printing various reports which will facilitate the selections from the waiting list.

A-9 Small PHA Streamlined Annual Plan Certification Compliance

**Streamlined PHA Plan
PHA Certifications of Compliance**

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

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

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the streamlined Annual PHA Plan for PHA fiscal year beginning 07/08, hereinafter referred to as the Streamlined Annual Plan, of which this document is a part and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of the Streamlined Plan and implementation thereof:

1. The streamlined Annual Plan is consistent with the applicable comprehensive housing affordability strategy (or any streamlined Plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, and provided this Board or Boards an opportunity to review and comment on any program and policy changes since submission of the last Annual Plan.
3. The PHA made the proposed streamlined Annual Plan, including policy and program revisions since submission of the last Annual Plan, and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the streamlined Plan and invited public comment.
4. The PHA will carry out the streamlined Annual Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
5. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address these impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
6. For streamlined Annual Plans that include a policy or change in policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's MTCS in an accurate, complete and timely manner (as specified in PIH Notice 99-2).
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites, and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site.
 - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(b)(2).
7. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
8. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
9. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
10. The PHA has submitted with the streamlined Plan a certification with regard to a drug-free workplace required by 24 CFR Part 24, Subpart F.
11. The PHA has submitted with the streamlined Plan a certification with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.

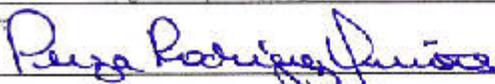
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
 18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
 19. The PHA will undertake only activities and programs covered by the streamlined Annual Plan in a manner consistent with its streamlined Annual Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its streamlined Plan.
 20. All certifications and attachments (if any) to the streamlined Plan have been and will continue to be available at all times and all locations that the PHA streamlined Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the streamlined Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its streamlined Annual Plan and will continue to be made available at least at the primary business office of the PHA.
 21. The PHA certifies that the following policies, programs, and plan components have been revised since submission of its last Annual PHA Plan (check all policies, programs, and components that have been changed):
- 903.7a Housing Needs
 - 903.7b Eligibility, Selection, and Admissions Policies
 - 903.7c Financial Resources
 - 903.7d Rent Determination Policies
 - 903.7h Demolition and Disposition
 - 903.7k Homeownership Programs
 - 903.7r Additional Information
 - A. Progress in meeting 5-year mission and goals
 - B. Criteria for substantial deviation and significant amendments
 - C. Other information requested by HUD
 - 1. Resident Advisory Board consultation process
 - 2. Membership of Resident Advisory Board
 - 3. Resident membership on PHA governing board

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

Municipality of Cabo Rojo PHA Name RQ061 PHA Number

Streamlined Annual PHA Plan for Fiscal Year: 2008-2009

I hereby certify that all the information stated herein, as well as any information provided in the accomplishment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012, 31 U.S.C. 3729, 3802)

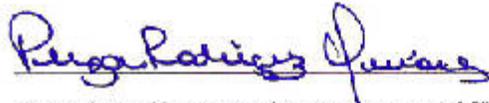
Name of Authorized Official	Title
Perza Rodriguez Quiñones	Mayor
Signature: 	Date
X	2/22/08

A-10 Certification of PHA Consistency with the Consolidated Plan

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

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

I, Perez Rodriguez Quiñones the Mayor certify
that the Five Year and Annual PHA Plan of the Municipality of Cabo Rojo is
consistent with the Consolidated Plan of Municipality of Cabo Rojo prepared
pursuant to 24 CFR Part 91.



Signed / Dated by Appropriate State or Local Official

Certification by State and Local Official of PHA Plans Consistency with the Consolidated Plan to Accompany the HUD-50075
OMB Approval No. 2577-0226
Expires 03/31/2002
(299)
Page 1 of 1

A-11 Certification for a Drug-Free Workplace

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

MUNICIPALITY OF CABO ROJO (RQ061)

Program/Activity Receiving Federal Grant Funding

SECTION 8: TENANT BASED PROGRAM

ANNUAL PLAN 2007-2008

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

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

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

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

- (1) The dangers of drug abuse in the workplace;
- (2) The Applicant's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

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

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

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

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

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

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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

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

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompanying herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (16 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
PERZA RODRIGUEZ QUIÑONES	MAYOR
Signature	Date
<i>Perza Rodriguez Quiñones</i>	3/28/08

A-12 Other Documents and Certifications

(Separate Hard Copy Submissions to Local HUD Field Office)

COMMONWEALTH OF PUERTO RICO
Autonomous Municipality of Cabo Rojo
Federal Programs Office
Section 8

**ADMINISTRATIVE PLAN FOR THE
SECTION 8 HOUSING CHOICE VOUCHER
PROGRAM**

Revised on February 2008

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Appendix A- Definition of Terms

1. STATEMENT OF POLICIES AND OBJECTIVES

The Section 8 Program was created by the Housing and Community Development Act of 1974 and amended by the Housing and Community Development Act of 1981, the Housing and Urban-Rural Recovery Act of 1983, the Technical Amendments Act of 1984, the Housing and Community Development Act of 1987, and the Cranston-Gonzalez National Affordable Housing Act of 1990. the Section Voucher Programs Conforming Rule (24CFR Parts 882, 887, 982, and 983). The Section 8 Moderate Rehabilitation Program was established through the Housing and Community Development Amendment of 1978.

Administration of the Housing Programs and the functions and responsibilities of the PHA staff shall be in compliance with the Personnel Policy of the PHA, and the Equal Opportunity Plan.

All applicable Federal, State and Local housing laws will be followed and the PHA will comply with Fair Housing Regulations.

A. Goals and Objective

The overall plan for the Section 8 Housing Choice Program is designed to achieve four major objectives:

1. To provide improved living conditions for very low-income families while maintaining their rent payments at an affordable level.
2. To promote freedom of housing choice and spatial deconcentration of lower income and minority families.
3. To provide decent, safe and sanitary housing for eligible participants.

4. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments and protection against unpaid rent, damages, and vacancy loss.

The purpose of the Administrative Plan is to establish policies for operating the program in accordance to Federal regulation for the Section 8 Housing Choice Program.

The Plan covers both admission and continued participation in this program.

The PHA is responsible for complying with all subsequent changes in HUD regulations pertaining to this program. If such changes conflict with this plan, HUD regulations will have precedence.

B. Fair Housing Policy 24 CFR 982.54(d) (6)

It is the policy of the Housing Authority of the Municipality of Cabo Rojo (hereinafter referred to as the PHA) 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.

Specifically, the PHA shall not on account of race, color, sex, religion, creed, national or ethnic origin, age, family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Housing Choice Program, within the requirements and regulations of the HUD regulations.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to Voucher holders regarding "discrimination" and any resource available to them should they feel they have been the victim of discrimination. Such information will be made

available during the family briefing session and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's packet.

The PHA subscribes to HUD's "open-housing" policy and, as such, will maintain lists of available housing submitted by owners in all neighborhoods within the PHA's jurisdiction to ensure "greater mobility and housing choice" to low-income households served by this agency. (See EOHP incorporated to this Management Plan).

Except as otherwise provided in 24 CFR 8.21 (c) (1), 8.24(a), 8.25, and 8.31. no *individual* with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA'S facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

C. PrivacyRights

Applicants will be required to sign the Federal Privacy Act Statement in conjunction with the HUD 50058 form which states under what conditions HUD will release tenant and owner information.

The PHA's policy regarding release of information is:

- To release pertinent client information only in accordance with the signed "blanket" release on the application form.
- To release no information without the signed client release on the Individual request for information.

- To release information on amounts owed to the PHA for claims paid and not reimbursed by the client where there is no current Repayment Agreement in effect.
- To release information on amounts owed to the PHA for prior overpayment of assistance where there is no current Repayment Agreement in effect.

Requests for information must be accompanied by a written release request signed by the applicant in order for the PHA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State Law.

The PHA' practices and procedures are designed to safeguard the privacy of applicants and program participant. All applicant and participant files will be stored in a secure location which is easy to be accessed by authorized staff. The staff person who is utilizing a file is responsible for its security. Files will never be left unattended or placed in common areas.

PHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

D. Local Objectives

The Section 8 Department is charged with meeting these objectives through housing assistance programs available from the Department of Housing and Urban Development.

There is an undeniable need for low-income and very-low income housing

assistance within the jurisdiction of the PHA, as evidenced by waiting lists for various housing programs.

There is also a need for quality housing units available for program participants. There is not an abundance of affordable housing for low income participants within our jurisdiction.

We approach the administration of the program with a positive attitude. We have established realistic and attainable goals and have given particular thought to the numbers of families who can be expected to need and want to move to better housing.

In establishing our goals, the PHA has given special consideration to the likely availability of existing housing and has attempted to set realistic numbers based on need.

By setting attainable goals, the PHA hopes to achieve these by the nature of the goals themselves.

Not overburdening the market, not forcing the program, but providing a vehicle for those who have a need and those who the units to come together in a manner beneficial to each

The strategy is to achieve the attainable goals in the simplest manner possible, at the least expense, while complying with the Section 8 requirements and regulations.

E. Service Policy /Accommodations

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with PHA; when PHA initiates contact with a family; including when a family applies; and when PHA schedules or reschedules

appointments of any kind.

It is the policy of PHA to be service-oriented in the administration of our housing programs and to exercise and demonstrate a high level of professionalism while providing housing services to participant families within its jurisdiction.

PHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the Section 8 Program and related services. The availability of specific accommodations will be made known by providing notice of the availability of reasonable accommodations to applicants and participants during the normal course of business correspondence.

Requests for reasonable accommodations from persons with disabilities will be granted upon verification that they meet the need presented by the disability. Such accommodations include use of a personal advocate, or reader, provision of an interpreter for hearing impaired persons, and accessible office space.

All requests for accommodations will be verified with a reliable knowledgeable professional.

A list of accessible units available for rental to Section 8 recipients will be provided when requested.

F. Rules and Regulations

All issues not addressed in this document related to tenants and participants are governed by HUD Handbooks 7420.7, 7420.3, and 4350.3; Federal regulations; HUD Memos and Notices; and guidelines or other applicable law.

G. Reference

The Public Housing Authority is referred to as “PHA” throughout this document.

Monitoring Program Performance

Reports will be maintained for:

- Monitoring funding availability, to ensure the PHA is at maximum lease-up but not over leased
- Tracking outstanding Vouchers for expiration
- Timeliness of annual activities
- Numbers of failed inspections and abatements
- Claim payments made
- Number and reason for moves and terminations of assistance
- Number of new vouchers issued
- Repayment of amounts owed the PHA

In order to ensure quality control, supervisory staff audits the following functions:

5% of reexamination

100% of new application

5% of the *HQS* inspections completed by each inspector (performed

during the 3 months preceding reinspection and to be drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors)

100% of claims processed

H. TRANSLATION OF DOCUMENTS

To the extent that it is feasible to translate documents into other languages used by PHA clients, the following factors will be considered:

- Number of applicants and participants who do not speak English and who speak another language.
- Per client cost of translation.
- Evaluation of the need for translation by the bilingual staff and by agencies that work with non-English speaking clients.
- The availability of other organizations to translate documents, letters and forms.
- Availability of bilingual staff to explain English language documents to clients.
- We will explain in Spanish all requested documents to those participants who does not to read.

2. ORGANIZATIONAL STRUCTURE

The Section 8 Office will have the major responsibility and authority in the implementation of the Section 8 Housing Program. This office will work in close coordination with the Housing and Community Department, the Planning and Budget Office, and Office of Finance of the Municipal Government of Cabo Rojo.

The duties and responsibilities of Section 8 Office maybe summarized as follows:

- Office of the Director has overall responsibility for insuring compliance with federal regulations, coordinating the implementation of tenant Policy, Affirmative Marketing Plan and for directing the day to day activities design to meet program goals and objectives.
- Housing Inspection Unit is responsible for insuring the housing units meet the Section 8 Quality Standards.
- Technical and Social Service Staff is the primary point to contact with applicants for orientation and determination of eligibility. Provides information, orientation to applicants based on their needs and circumstances. Execute special investigations in the re-examination of family income and execution of contracts.
- Fiscal Unit - maintains accounting books, records and reports in accordance with the Department's and HUD requirements.

The Section 8 Office has the following job descriptions for each Technical and Administrative Staff to perform the work required by the Section 8 Housing Program and Housing Voucher Program.

A. Director

Administrative Responsibility

Reports directly to the Mayor. Supervise the Section 8 Office Staff Coordinate with fiscal unit on financial matters.

Functional Responsibility

Has overall responsibility for compliance with the Administrative Plan, coordinate with Affirmative Plan, coordination with Affirmative Marketing Plan, Tenant Policy, Section 8 Office requirements and pertinent Department of Housing Policies. Is responsible for meeting program goals and objectives.

Specific Duties

- Directs technical and administrative work of the Section 8 Existing Housing Program and Housing Voucher Program.
- Prepares program goals and work plans for staff
- Responsible for staff supervision.
- Prepares monthly performance reports.
- Prepares narrative and statistical reports in accordance with HUD regulations.
- Responsible for assuring compliance with HUD regulations in program implementation.

- Organize, assigns and supervises work performed by program personnel.
- Negotiates contracts with owners and tenants.
- Evaluates grievances presented by owners and tenants.
- Meets regularly with the Mayor to apprise him of program progress and problems.

B. Secretary

Administrative Responsibility

Report directly to the Director. Coordinates with Technical Staff and Housing Inspection Staff.

Functional Responsibility

Responsible for maintaining files, current and up to date.

Specific Duties

- Keep files in order.
- Type owner, rental contracts, letters, orders, requisitions and reimbursements vouchers for Section 8 Office.
- Answer and channel telephone calls.

- Perform other duties related to Section 8 Existing Housing Program and Housing Voucher Program.

C. Housing Inspection Unit (1)

Housing Inspector

Administrative Responsibility

Report to the Director.

Functional Responsibility

Responsible for insuring that all Housing Units under the program meet Section 8 Housing Quality Standards, and for complying with all other inspection requirements as specified by HUD and or local Law.

Specific Duties

- Inspects Housing Units prior to execution of contracts.
- Certifies the Housing Units are in compliance with HQS.
- Brief tenants on housekeeping rules.
- Conducts annual inspections of Housing Units at time of re examination.
- Analyzes and reports on current rent reasonableness.
- Report monthly to the Program Director on results of inspections.

D. Technical Support Unit Housing Technician (1)**Interviewer / Investigator***Administrative Responsibility*

Report to the Program Supervisor coordinates with other housing staff

Functional Responsibility

Responsible for initiating and maintaining contact with the client and applicant, eligibility verification and follow-up. Responsible for maintaining current updated files on available housing units and providing information to clients.

Specific Duties

- Interviews applicants and completes application for Section 8 assistance.
- Verifies eligibility of families to ensure compliance with program eligibility criteria.
- Prepares ease reports.
- Prepares weekly activity reports.
- Conducts annual family re-examinations
- Verifies family income.

- Participates in negotiation of contracts with owners.
- Maintains files with current listings of available housing units. Periodically contacts with Realtors owners, lessees, etc., to update rental housing market information in coordination with Housing Inspector.
- Provides individual information to clients concerning available housing.

E. Fiscal Unit Accountant (1)

Administrative Responsibility

Report to the Supervisor of the Municipality's Fiscal Unit. Coordinate with the Program Director of the Section 8 Office.

Functional Responsibility

Has overall responsibility for insuring that all books, records and reports are maintained in accordance with HUD requirements and generally accepted accounting standards.

Specific Duties

Maintains accounting books in accordance with Section 8- Existing Housing Program and/or Housing Voucher Program.

- Informs Program Director of the status of the program's finance.
- Prepares requisitions for program funds.

- Prepares and submits the necessary reports on program finances. Prepares annually Section 8 application (especially Form HUD 52672 and HUD 52673).
- Maintain record of the rental payment to the owners. (HAP register)
- Coordinates with the technical staff and Housing Inspection about change in address, income, family composition and other information of the tenant and owner.
- Prepares the financial reports at the end of the fiscal year.
- Perform other duties as required by tile Program Director.

3. OUTREACH PROCEDURES

A. PRIVACY RIGHTS [24CFR 982.551]

All information relating to a participant or applicant family is confidential. PHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information. PHA staff will not discuss family information contained in its files unless there is a business reason to do so.

PHA will furnish prospective owners with the family's current address, as shown in PHA's records and, if known to PHA, the name and address of the landlord for the family's current and prior address. At a prospective owner's request, PHA will also furnish information about the family's rental history, or any history of drug trafficking.

PHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff.

B. Family Outreach

The PHA will continue to publicize and disseminate information, as needed, concerning the availability and nature of housing assistance for very low income families and the low income eligible families (see Chapter on Eligibility for Admission).

Upon execution of an Annual Contributions Contract (ACC) for additional units, the PHA 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 Very Low Income families and Low Income eligible families, unless waiting list is closed.

Notice Requirements

The Notice must:

1. Advise families that applications will be taken at the designated office;
2. Briefly describe the Section 8 Program;
3. State that occupants/applicants for Housing must specifically apply for the Section 8 Program.

To reach persons who cannot read the newspapers, the PHA 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 when this outreach is required.

C. OWNER OUTREACH [24 CFR.982-54, 982.1531]

The PHA Owner Outreach Program includes the following efforts to encourage owners to participate in the program and to ensure greater mobility to and housing choice in very low-poverty areas:

- PHA will maintain a list of interested landlords and a list of available units, both of which are updated frequently. These lists are made available to applicants and participants. The PHA should update this list on an ongoing basis.
- PHA will encourage owners of decent, safe and sanitary housing units to lease to Section 8 families in accordance with the Equal Opportunity Housing Plan.

- The staff of PHA will initiate personal contact with private property owners and managers by conducting formal and informal discussions and meetings.
- PHA contacts real estate agents and property managers to market the program and encourage their participation. In addition, printed material is provided to inform owners and managers of the program.
- PHA will make a concerted effort to contact and encourage local property owners with units specially designed or adapted for persons with disabilities, and those who may be willing to adapt units, to participate in the program.
- PHA will encourage program participation by owners of units located outside areas of poverty. This will allow more choices and better housing opportunities for families.

PHA periodically evaluates the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.

4- ELIGIBILITY FOR ADMISSION

PHA staff will carefully review all information provided by the family and without regard to factors other than those defined in this chapter. Families will be provided the opportunity to explain their circumstances, furnish additional information if needed, and receive an explanation of the basis for any decision made by PHA pertaining to their eligibility.

A. ELIGIBILITY FACTORS

To be eligible for participation, an applicant must meet the following criteria.

1. An applicant must be a "family" as defined in paragraph VI.B.
2. An applicant must be within the appropriate Income Limits.
3. An applicant must provide documentation of Social Security Numbers for all family members, or certify if a family member does not have a Social Security Number and when they expect to have it.
4. Each member of the applicant household must declare citizenship or immigration status. Non-citizens must provide verification of their status.
5. No member of the household may have been evicted from public housing, Indian housing, Section 23, Section 236 or any Section 8 program for drug-related criminal activity or any negative eviction for five (5) years prior to the date of application.
6. The head of household must be 21 years of age or an emancipated minor.

B. Mandatory Social Security Numbers

Families are required to provide Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration.

All members of the family defined above must either:

1. Submit Social Security Number documentation or
2. Sign a certification if they have not been assigned a Social Security Number. If the individual is under 18, the certification must be executed by his or her parent or guardian. If the participant who has signed a certification form obtains a Social Security Number, it must be disclosed at the next regularly scheduled income reexamination.

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

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 PHA to provide one or more of the following alternative documents to verify his or her Social Security Number.

These documents include:

- Drivers license
- 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

- Bank statements
- IRS Form 1099
- Benefit award letters from government agencies
- 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 SSA

If the PHA verifies Social Security benefits with the Social Security Administration, the acceptance of the Social Security Number by the Social Security Administration may be considered documentation of its validity.

Applicants may not become participants until the documentation is provided, the applicant will retain their position on the waiting list during this period.

If an applicant or tenant is able to disclose the Social Security Number, but cannot meet the documentation requirements, the applicant or tenant must sign a certification to that effect provided by the PHA.

New family members (six of age and over) will be required to verify (or certify, as applicable) their Social Security information when the change in family composition is reported by the family, whether that be at an annual or interim reexamination.

C. FAMILY COMPOSITION [24 CFR 5.403,982.2011]

The applicant must qualify as a family. A family is defined as:

1. A family with or without children. Such a family is defined as a group

of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.

- Children temporarily absent from the home due to placement in foster care are considered family members.
- Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. An elderly family, which is:

A family whose head, spouse, or sole member is a person who is at least 62 years of age;

Two or more persons who are at least 62 years of age living together; or

- One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A near-elderly family, which is:

- A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
- Two or more persons, who are at least 50, years of age but below the age of 62, living together; or
- Two or more persons, who are at least 50, years of age but below the age of 62, living with one or more live-in aides.

4. A disabled family, which is:

- A family whose head, spouse, or sole member is a person with disabilities; Two or more persons with disabilities living together; or
- One or more persons with disabilities living with one or more live-in aides.

A displaced family, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

5. A remaining member of a tenant family.

6. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

All family members are subject to HUD rules regarding income and allowances.

A family may include a live-in aide provided that the live-in aide:

- Is determined to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with a disability;
- Is not obligated for the support of the person(s); and

- Would not be living in the unit except to provide care for the person(s). A live-in aide is treated differently than family members:
- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits;
- Live-in aide is not subject to Non-Citizen Rule requirements; and
- Live-in aide will not be considered as a remaining member of the applicant or participant family.

A live-in aide may only reside in the unit with the prior written approval of PHA and owner. Written verification will be required from the doctor providing the particular care. The verification must specifically state that a live-in aide is essential for the daily care of the family member who is elderly, near-elderly or disabled. Live-in aide must provide proof of certification and qualifications. Certifications and qualifications must be from an accredited institution. This certification must be verified and approved by PHA.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements of the definition described above. The Owner of the assisted unit cannot serve as live-in aide.

The live-in aide's family members may also reside in the unit with PHA's and owners prior written approval. The presence of the live-in aide's family members must not overcrowd the unit.

At any time, PHA may refuse to approve a particular person as a live-in aide or may withdraw such approval if the person:

- Commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- Commits drug-related criminal activity or violent criminal activity;
- Currently owes rent or other amounts to PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act; or
- Does not qualify under the eligibility criteria described in this Plan.

D. INCOME LIMITATIONS [24 CFR.982.201, 982.353]

In order to be eligible for assistance, an applicant must be either a:

- Very low income family, as defined by the very low income limits published by HUD in the *Federal Register* ; or
- Low income family in any of the following categories:
 - Continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act Program within 60 days prior to Voucher issuance. The Program includes Public Housing, all Section 8 programs, and all other federally subsidized rental programs.

- Physically displaced by rental rehabilitation activity under 24 CFR Part 511
- Non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- Non-purchasing family residing in a project subject to a homeownership program under 24 CR 248.173.
- Displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

To determine if the family is income eligible, PHA compares the annual income of the family to the applicable income limit for the family's size. Families whose annual income exceeds the income limit will be denied admission, notified of the denial and offered an informal review.

To be income eligible for portability, the family must be income-eligible in the area where the family initially leases a unit under the voucher programs.

The initial PHA must determine whether the family is income-eligible in the area where the family wants to lease a unit.

E. SUITABILITY OF FAMILY [24 CFR.982.307]

PHA may take into consideration any of the grounds for denial of admission but may not otherwise screen for factors which relate to the suitability of the applicant family as participants. It is the responsibility of the owner to screen the applicant as to their suitability for tenancy.

PHA will advise families how to file a Fair Housing complaint, if they believe that the owner has discriminated against them. PHA may also report the owner to HUD's Office of Fair Housing/Equal Opportunity or the local fair housing organization.

PHA will recommend those prospective owners screen tenants for suitability.

F. Eligibility Restrictions Regarding Non-citizens

1- Eligibility for assistance or continued assistance under the Section 8 program, is contingent upon a family's submission of documentation either declaring U.S. citizenship or eligible immigration status. The PHA requires both current tenants and applicants to submit the required citizenship or eligible immigration documentation for every household member in order to receive or continue to receive housing assistance. Documentation is required of all new admissions at the time an application is processed by the Housing Authority.

Documentation for legal immigrant status must be provided annually. Any current tenant who has not already provided documentation will be required to document citizenship or immigration status at the next re-examination. Whenever a new family member is added, documentation must be provided before the new member can be added to the lease.

2- Proof of Citizenship will take the following form:

- a. For families claiming U.S. citizenship, each applicant or participant family member will sign the citizenship declaration form and present appropriate documentation (such as U.S. passport, resident alien card, social security card or other appropriate documentation), which will become a permanent part of the tenant file. Adults will be required to sign

on behalf of all children under the age of eighteen years.

b. Non citizens age 62 years or older who are current participants or applicants will be required to sign a declaration of eligible immigration status and proof of age.

c. Participants and applicants who are non-citizens declaring eligible immigration status must:

(1) sign a declaration of eligible immigration status;

(2) provide the required U.S. Immigration and Naturalization Service documents, such as Alien Registration Receipt Card, Arrival/Departure Record Temporary Resident Card, Immigration and Naturalization Service (INS) receipt in the event of any lost or missing cards listed above and

(3) sign a verification consent form.

The PHA has the right to deny, terminate or adjust housing assistance if members of any household are found to be non-citizens with ineligible immigration status however, this determination will not take place until all appeal right requested have been exercised by the household. The PHA may grant time extensions to provide appropriate information, provided that the household shows a diligent effort in obtaining immigration status documents.

3. The PHA may not make assistance available to a family applying for assistance until at least the eligibility of one family member has been established, and assistance must be prorated based on the number of individuals in the family for whom eligibility has been affirmatively established.

4. The PHA may not delay, deny, reduce or terminate eligibility of an individual for assistance on the basis of the immigration status of the individual. The family will not be penalized for delays on the part of those entities which must verify eligible immigration status.

5. Continued assistance provided to an eligible mixed family after November 29, 1996 will be prorated based on the percentage of family member that are eligible for assistance.

6. The PHA is required to suspend assistance to a family for a period of at least 24 month upon determining that the family has knowingly permitted an ineligible individual to reside on a permanent basis in the family unit. This provision does not apply if the ineligible individual has already been considered in calculating any prorating of assistance for the family.

7. If the PHA discovers that citizenship information provided is expired, fraudulent, or otherwise invalid, it will notify the family or individual of the results of these findings. The family or individual will then have 30 days from the date of the notification to file an appeal with the INS to correct the problem. The family or individual must provide the Housing Authority a copy of the appeal request to the INS which will become a permanent item in the tenant file. The PHA can extend this 30 day appeal period at its sole discretion if good cause is found.

8. Any applicant or participant family affected by those provisions has the right to an informal hearing provided the family notifies the PHA within 30 days of the action or decision the family wishes to appeal. All appeals will be conducted in accordance with the provisions of the PHA'S Informal Hearing Procedures.

9. In accordance with federal rules, mixed families who were participants in the PHA'S Section 8 program on June 19, 1995, are permitted to receive continued

assistance provided that either the head of household or spouse has eligible immigration status and any ineligible family members are either the head, spouse, parents, or children of the head or spouse.

10. Families who were participants in the PHA's Section 8 Program on June 19, 1995 but became ineligible for housing assistance because there are no family members

With eligible immigration status may be given a temporary deferral of assistance to transfer to other housing at the discretion of the Housing Authority. If the temporary assistance is provided, it will be offered in six month increments and never for longer than a total of 18 months. The maximum period for deferrals granted prior to November 29, 1996 will be three years.

11. Families that no longer qualify for housing assistance due to their citizenship status may apply for prorated assistance to decrease the level of housing assistance provided to the household based on the ratio of eligible and ineligible persons in the household.

12. Rental housing assistance is prohibited to non-citizen students and their families. None of the provisions of the rules related to prorated assistance, continued assistance or temporary deferral of termination of assistance applies to non-citizen students. This prohibition does not include citizen spouses and their children.

G. Other Criteria for Admission

Other criteria must be met for an applicant to be eligible for assistance under the PHA Section 8 Program:

- Family must have paid any outstanding debt owed to any PHA on

any previous tenancy for Public Housing or Section 8 program or must have enter a repayment agreement.

- Family must have left any previous tenancy under the Section 8 Program without being in violation of a family obligation under its Housing Voucher within the past five years.
- Family members did not engage in drug-related criminal activity or any violent criminal activity one year prior to the PHA written notice of it decision to deny or terminate assistance.

Initial screening will be limited to the evaluation of the criminal record background certificate provided by Puerto Rico Police Department.

Drug-related activity means:

- The felonious manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, a controlled substance(as defined in the Controlled Substance Act);
- The felonious use or possession of a controlled substance occurred one year before the date the PHA provides notice to an applicant or participant of the PHA's determination to deny admission or terminate assistance.

Violent Criminal Activity means:

A felonious criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

At any time, the PHA may deny or terminate assistance because of drug related

activity or violent criminal activity. Such conduct must have occurred one year before the date that the PHA provides notice to the family of the decision to deny or terminate assistance.

The PHA may not deny or terminate assistance for use or possession of drugs by a member if such member can demonstrate that she/he:

- (1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
- (2) Has recovered from such addiction and does not currently use or possess controlled substances.

The PHA may require such member to submit evidence of successful completion of a treatment program as a condition to being allowed to reside in the unit.

In determining whether to deny or terminate assistance based on drug-related activity or violent criminal activity, the PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

Preponderance of the evidence means that the evidence as a whole, shows that the fact sought to be proved (drug or violent criminal activity) is more probable than not.

The PHA may deny assistance if any member of the family has ever been evicted from public housing or by Section 8 owners for engaging in drug or violent criminal activity

Credible evidence on drug related activity or violent criminal activity would be

provided by police or court. Testimony from neighbors, combines with other credible evidence should be used toward determining whether the criminal act occurrence was more probable than not.

H. CHANGES IN ELIGIBILITY PRIOR TO ISSUANCE

Changes that occur during the period between placement on the waiting list and issuance of a Voucher may affect the family's eligibility or Total Tenant Payment. If applicants are found to be ineligible, they will be notified in writing of their ineligible status and their right to an informal review.

I. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is complete, PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by PHA, and the current eligibility criteria. PHA will notify the family in writing as to their eligibility for the Section 8 Program. If the family is determined to be eligible, PHA will schedule a briefing and mail an application update for re-certification. During the briefing, the applicant is issued a Voucher and the informational packet is provided and reviewed.

J. NOTIFICATION TO INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing within 10 business days of the reason for denial of assistance. This notification will include the opportunity to request, within 10 business days of notification, an informal review. If they were denied due to non-citizen status they are entitled to an informal hearing. See Part VII for information about reviews and hearings.

K. GUIDANCE ON COLLEGE STUDENT ADMISSION

In order to be eligible for program assistance, an applicant must meet income eligibility requirements, as established by Section 3(a)(1) and 8(o)(4) of the U.S. Housing Act of 1937 and implementing regulations at 24 CFR 960.201 and 982.201.

Determining of Eligibility of “Full-time” College Students of Non-parental/guardian Households.

A full-time student is defined as a person who is attending school or vocational training on a full-time basis (24 CFR 5.603).

The student must be legal age or emancipated minor under the state law.

The student must be income eligible for admission to the Housing Choice Voucher Program (24 CFR 960.201 & 982.201).

Each college student within a household must provide a written/signed certification that the student does or does not anticipate receiving financial support from the student’s parent(s) or guardian(s) and the amount of support.

The college student must have established a household separate from his/her parents or legal guardians for at least one year prior to applying to voucher program.

The college student must not be claimed as a dependent by parent(s) or legal guardian(s) on their Internal Revenue Services (IRS) and local tax return.

Verification of Eligibility of “Full-time” College Students

The PHA must obtain proof of age such as valid driver’s license, identification card issued by a federal, state or local agency, identification issued by a medical insurance company, birth certificate, or other form of identification.

The PHA should obtain evidence of separate households by reviewing/verifying the address information that predates the student’s application by a minimum of one year.

In order to verify if the college student is not claimed as a dependent by parent(s) or legal guardian(s) on their tax return, the PHA may verify a copy of the college student’s Form 1040EZ, 1040, or 1040 tax returns for the prior years.

The college student must supply any information that the PHA determines is necessary for the administration of the voucher program (24 CFR 960.259 and 982.551). In accordance with the Section 224 of the FY 2005 Appropriations Act, the portion of any athletic scholarship assistance available for housing costs should be verified by the PHA with the third party income source and included in the determination of family adjusted income.

The PHA may deny housing assistance to persons receiving athletic scholarship assistance. However, it may only do so for those persons receiving an athletic scholarship with a specified amount available for housing costs or one that allows for a portion of the scholarship to be used towards housing costs. The specified amount or portion of the athletic scholarship available for housing costs must exceed \$5,000 annually for the PHA to deny the student admission. Deviations from the standard threshold (\$5,000) must also be documented in the tenant’s file and consistently applied among applicants and participants.

5. ADMISSION POLICY

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitation on how many may apply. The primary purpose of the intake function is to gather information about the family, but the PHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

A. Application Process

Families wishing to apply for any of the PHA's programs should fill out an application when the waiting list is open.

Applications will be taken to compile a waiting list. Taking into account available funding for a period of one year prior to issuance of a voucher, the PHA may decide to reopen the waiting list or to close it (suspend the taking of applications). (see Chapter on "Policy on Applicant Selection from Waiting List").

The PHA may take applications on an "open enrollment" basis considering the circumstances described above.

The application process consists of two phases: a preliminary application (referred to as a Pre-Application) and a final or "full application" procedure.

A Pre-Application will be filled by each applicant. If the PHA makes a preliminary determination of eligibility, the PHA places the applicant's name and other information (see Chapter on "Policy on Applicant Selection from Waiting List, Contents of Waiting List") on the Waiting List. Information provided by the

applicant in the Pre-Application stage will not be verified until the applicant comes to the top of the waiting list and the PHA is ready to issue a voucher. At such time a Full Application procedure will take place, by which the PHA verifies the information provided by the applicant in the Pre-Application stage.

B. Pre-Application Procedure

The PHA will utilize a basic pre-application form. The information is to be filled out directly by the client when the Waiting List is opened.

The purpose of the Pre-application is to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list.

The Pre-application will contain the following information:

- Names and ages of all household members
- Sex and relationship of members
- Address (es) and telephone number(s)
- Amount and source of all income and assets
- Information on handicaps and disabilities of family members
- Information related to selection preferences

Once the application is complete, the PHA staff who is thoroughly acquainted with the eligibility criteria will assess the applicant's eligibility or ineligibility as a Section 8 participant.

The information on the form will not be verified until the client has been selected from the application pool for final processing. Final eligibility will be determined when the full application process is completed and verified.

Applicants are responsible for informing the PHA of changes in family

circumstances (including income) and are responsible for responding to requests from the PHA to update Pre-applications. Refusal to provide information may result in the applicant being denied assistance.

C. Notification of Family Status

Based on the information on the application, if the family is preliminarily determined eligible, the applicant will be informed on the probable date their name will be reached to receive a Voucher. The PHA communication will in no way lead applicants to believe that the estimated date of Voucher issuance is exact, but will stress that the estimated date of Voucher issuance is subject to several factors that are beyond the PHA's control (for example: preference determination, turnover, funding, etc.)

This information with respect to eligibility (and time period to receive a Voucher) will be out in writing and given to the applicant at the interview or mailed to the applicant.

D. Completion of a Full Application

Applicants on the waiting list will be requested to fill out a full application when the PHA estimates that a Voucher can be issued within 120 days.

The family will complete the application on their own whenever possible, using the Personal Declaration Form as the basis for the full application.

Families will be interviewed upon completion of the full application at a scheduled interview.

E. Requirement to Attend Scheduled Meeting

It is the applicant's responsibility to reschedule the interview if they miss the appointment. The allowable time period to reschedule appointments is 15 calendar days.

If the applicant does not reschedule and misses two scheduled meetings, the PHA has the right to reject the application.

Rejection of the application means that the family will be removed from the waiting list and must reapply when waiting list is opened. Applicants will be notified in writing if the application is rejected for this reason.

The person who signed the Pre-Application is the person required to attend the interview and sign the Full Application Form. All adult family members who plan to reside in the assisted unit should attend the interview. Exceptions are made for the severely handicapped.

If an applicant claims he/she did not receive the Notice requesting the applicant to attend an interview, the PHA will determine whether the Notice was returned to the PHA.

If the Notice was not returned to the PHA, the applicant will be assumed to have received it unless they can prove otherwise.

If the Notice was returned to the PHA and the applicant can provide evidence that he/she was living at the address to which the Notice was sent, the applicant will be reinstated with the date and time of the application in effect at the time the Notice was sent.

F. Verification of Information in the Full Application Form

Information provided by the applicant will be verified including information on family composition, income, assets, allowances, deductions, preference status, full time student status, and other factors relating to eligibility determination before the applicant is issued a Voucher.

All adult members must sign the blanket authorization and Applicant/Tenant Certification Form in order for the application to be considered complete.

Third party verifications in writing (sent by mail) are preferred. Oral third party verifications are acceptable if they are properly documented.

If third party verification is impossible, the PHA will use documents provided by applicants. Documents will be photocopied when not prohibited by law. When documents cannot be photocopied, staff certification forms noting document viewed will be used by recording the source of information, the information obtained, and signed and dated by the staff person who viewed the document.

If the PHA determines at the interview that more information or verification is needed, the family will be given or sent a request for more information letter, requesting to provide the information within 15 calendar days.

If there is no response, after 15 calendar days, a second letter requesting more information will be sent with an additional 15 calendar day response period.

If there is no response to the second letter requesting more information, an ineligibility letter will be sent.

If an applicant claims he/she did not receive the letter requesting more information,

the PHA will determine whether the letter was returned to the PHA.

If the letter was not returned to the PHA, the applicant will be assumed to have received the letter unless they can prove otherwise.

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

G. Final Determination and Notification of Eligibility

After the verification process is completed, the PHA makes its final determination or eligibility, based on the same factors as preliminary eligibility, but with verified data at this point in time.

The household is not actually eligible for Voucher issuance until this final determination has been made, even though they may have been preliminary determined eligible and may have been listed on the waiting list.

Because HUD can make changes in rules and regulations, it is necessary to make a final eligibility determination. Also, family circumstance may have changed between initial Pre-application and final eligibility determination.

H. Denial of Assistance

Families who are denied assistance due to ineligible status or other reason will be notified promptly of such denial in writing. Such notice must include a brief statement of the reasons for the decision; must state that the applicant may request an informal review of the decision and must describe the procedures for obtaining the informal review.

If an applicant is denied admission, he/she is eligible to reapply for the program. The applicant place (order) on the waiting list will be determined as in the case of new applicants.

In accordance with 24CFR 8 82.210, the PHA is not required to assist families under any of the following circumstances:

- (1) If family violates any family obligations under the program (see 24 CFR 982.551)
- (2) If any member of the family has ever been evicted from public housing
- (3) If an PHA has ever terminated assistance under the voucher program for any member of the family.
- (4) If any member of the family commits drug-related criminal activity, or violent criminal activity (see Chapter on “Admission Policy; “D. Other Criteria for Admission”).
- (5) If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- (6) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- (7) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

(8) If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

(9) If any family member engages in drug-related activity or violent criminal activity (see Chapter on “Eligibility for Admission”; D. Other Criteria for Admission).

No Payment Agreement of amounts due by the applicant/participant to the PHA will be accepted. If the applicant repays in full prior to final eligibility determination, he/she will not be denied admission.

See 24 CFR part 5 for a statement of circumstances in which the PHA must deny or terminate assistance because a family member does not establish citizenship or eligible immigration status, and the applicable informal hearing procedures.

PHA Discretion to Consider Circumstances

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

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

I. Denial of Preferences

If the PHA denies a preference claimed by the applicant, the PHA will notify the applicant of the reasons for denial and will offer the applicant an opportunity for an informal review.

The informal review must be conducted by a person or persons other than the one who made or approved the decision denying the preference or a subordinate of such person or persons.

6. POLICY ON APPLICANT SELECTION FROM THE WAITING LIST

It is the PHA's objective to ensure that the families are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any family, or made to any family prematurely.

By maintaining an accurate waiting list, the PHA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. Application Pool

An application pool will be maintained in accordance with the following factors:

1. The application will be a permanent file.
2. Applications will be maintained in order of preference. Applications equal in preference will be maintained by a sequence of date and time of receipt. When date and time sequence thus to establish a preference, a lottery method will be used to establish such preference.
3. All applications must meet the "Low Income" or "Very Low Income" eligibility requirements established by HUD (as defined in 24 CFR 982.201). Any exceptions to these requirements must have been previously approved by the HUD Field Office.

B. Applicant Status

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

The preceding sentence does not affect or prejudice any right to bring a judicial action challenging and PHA violation of a constitutional or statutory requirement.

C. Waiting List Preferences

Preference Categories:

Except Special Admissions, participants must be selected from the PHA Waiting List. Eligible applicants are entitled to be placed on the Section 8 Waiting List and receive preference in selection for Vouchers if they meet certain preferences.

Local Preferences:

According to the Quality and Work Responsibility Act of 1998, federal references as we know them have been eliminated and the local preferences based on the needs of the people will prevail. So as to comply with federal law, the Municipality has agreed to give preference for selection of families on the waiting list based on the following order:

1. Residents in the Municipality of Cabo Rojo
2. Involuntary Displacement including:
 - Disaster
 - Victims of domestic violence
 - Homelessness
3. Handicapped persons or family with handicapped member
4. Single Head of Household with one or more dependents
5. Lack of adequate housing as the primary factor in the separation of children from their families.
6. Elderly persons or family with elderly member

Definition and Verification of Preferences

a. Residents in the Municipality of Cabo Rojo.

b. Involuntary Displacement

Involuntarily Displaced applicants are applicants who are involuntarily displaced and lack a standard, permanent replacement housing (as defined in 24 CFR 950.305 (a) (2)) or will (within no more than six months from the date of preference certification or verification) vacate housing as a result of:

- (i) A disaster (fire, flood, earthquake, hurricane, etc.)
- (ii) Federal, state and local government action related to code enforcement, or public improvement or development.
- (iii) Action of housing owner which is beyond an applicant's ability to control, occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase. No preference will be given if reason to vacate is to comply with HUD policies for the occupancy of under-occupied or overcrowded units, or to accept a transfer to another Unit in accordance with a court decree or with policies under a HUD-approved desegregation plan. If the owner is an immediate family relative and there has been no previous rental agreement and the applicant has been part of the owner's family immediately prior-to application, the applicant will not be considered involuntarily displaced.
- (iv) HUD disposition of multifamily rental project.
- (v) Domestic violence which cause the applicant to vacate the unit or to

live in a unit with a person who engages in such conduct. The PHA shall determine that such violence is recent and of a continuing nature and shall ask the applicant to certify that the person engaging in violent conduct will not reside with the applicant unless the PHA has given advance written approval. If family is admitted, the PHA may deny or terminate assistance for breach of this certification. An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.

- (vi) Avoiding Reprisals taken against family members who provided information on Criminal Activities to a law enforcement agency and, based on a threat assessment, the law enforcement agency recommends re-housing to avoid or minimize a risk of Violence taken as a reprisal for providing such information.

These preferences will only be granted if specially-targeted funds are assigned for this purpose.

- (vii) Inaccessibility of unit to a member of the family who has mobility or other impairment that makes the person unable to use critical elements of the unit, if the owner is not legally obligated to make the change to the Unit that would make critical elements of the unit accessible to the disabled person as a reasonable accommodation.

- (viii) Hate Crimes (actual or threatened physical violence or intimidation that is directed against a person or his or her property and that is based on the persons race, color, religion, sex, national origin, handicap or familial status) committed against one or more members of the family if the family vacated the unit as a result of such crime or the fear associated “with such crime, which has destroyed the applicant’s peaceful enjoyment of the unit.

Verification of Involuntarily Displacement:

- (i) Disaster - Certification from a unit of government or social service agency that applicant has been or will be displaced as a result of a disaster that results in the un-inhabitability of an applicant's unit

- (ii) Federal, State or Local Government Action - Certification from a unit of government that an applicant has been or will be displaced by activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or a public improvement or development program.

- (iii) Action of owner - Certification from an owner or owner's agent that an applicant had or has to vacate a unit by a date certain because of owner action.

- (iv) Action by HUD - Certification by HUD with respect to the disposition.

- (v) Domestic Violence - Certification of displacement because of domestic violence from the local police department, social services agency, or court of competent jurisdiction, or a clergyman, physician or public or private facility that provides shelter or counseling to victim of domestic violence.

- (vi) Avoiding Reprisals - A threat assessment by a law enforcement agency.

- (vii) Inaccessibility - Certification by a health care professional that a family member has a mobility or other impairment that makes critical

elements of the unit inaccessible, and statement by the owner that it is unable to make necessary changes to the unit to make it accessible.

(viii) Hate Crimes - Certification by a law enforcement agency or other reliable information.

C. Disabled person or “person with disabilities” means:

- (i) a person with a disability, as defined in 42 U.S.C. 423;
- (ii) is determined to have a physical, mental, or emotional impairment that:
 - (a) is expected to be of long-continued and indefinite duration;
 - (b) substantially impedes his or her ability to live independently, and
 - (c) is of such a nature that the ability to live independently could be improved by more suitable housing Conditions; or has a developmental disability as defined in 42 U.S.C. 6001
- (iii) Does not exclude persons who have the AIDS syndrome or any conditions arising from such syndrome
- (iv) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- (v) Means “individual with handicaps”, as defined in 24 CFR 8.3. That is, a person with a physical or mental impairment that substantially limits one or more major life activities has a record of such an impairment; or is regarded as having such an impairment.

Physical or mental impairment includes:

- 1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting 'one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hermic and lymphatic; skin; arid endocrine; or

- 2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional' or -mental illness, and specific learning' disabilities. The term "physical 'or mental impairment" includes but 'is not limited to such discuses Wand conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism:

"Major Life Activities" means functions such as caring for one self, performing manual tasks, walking; seeing, hearing, speaking; breathing, learning and working:

"Has a Record of Such an Impairment" means has a history of, or has been misclassified as having a mental or physical impairment that 'substantially limits' one or more major life activities

"Is Regarded as Having Such an Impairment" means:

- 1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient us constituting such a limitation;

- 2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
- 3) Has none of the mentioned impairments but is treated by a recipient as having such an impairment.

“Recipient” means any private or public agency or person to which Federal financial assistance is extended for any program or activity directly or through another recipient.

d. Single Parent with Child or Children

A preference will be given to single parents (mother or father) who have legal custody of a child or children.

Applicant may qualify as a single parent when living with mate, provided the applicant provides the PHA with evidence of sufficient weight to establish the income eligibility requirements established by the PHA.

Verification of the child’s custody should be made by asking the applicant to provide a court document containing the sentence which granted the applicant custody over child or children.

PHA May Not Give Preference if Applicant was Evicted Because of Drug-Related Criminal Activity on Past ‘Three Years

The PHA may not give a preference to an applicant if any member of the family has been evicted from assisted housing under the Housing Act of 1937 during the past three years because of drug-related criminal activity. The PHA may grant an exception to such family if the responsible member

has successfully completed a rehabilitation program approved by the PHA. If the PHA determines that the evicted person clearly did not participate in or know about the drug-related criminal activity; or if the PHA determines that the person no longer participates in any drug-related Criminal activity.

The Municipality will further comply with Federal Regulations which state that not less than 75% of new families must have incomes at or below 30% of the area median income within the Municipality fiscal year.

E. Lack of adequate housing as the primary factor in the separation of children from their families (Substandard Housing)

A preference because of “substandard housing” will be given to families living in a unit which:

1. Is dilapidated (does not provide safe, adequate shelter and its present condition endangers the health, safety and well-being of a family or has one or more critical defects or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. Defects may involve original construction or may result from continued neglect, lack of repair or serious damage to the structure):
2. Does not have a toilet in unit.
3. Does not have electricity; or
4. Has been declared unfit for habitation by a government agency.

Preference status must also be given to “Homeless Families”.

They are considered to be living in substandard housing.

A “homeless family” includes:

1. any person or family that lacks a fixed, regular and adequate night time residence; and
2. any person or family that has a primary nighttime residence that is:
 - (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing);
 - (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

A “homeless family” does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

Verification of Substandard Housing

- (i) Certification, in a form prescribed by the Secretary, from a unit or agency of government or from an applicant’s present landlord that the applicant’s unit is “substandard housing” (as described in this section).
- (ii) In the case of a “Homeless Family” (as described in this section), Certification, in a form prescribed by the Secretary, of this status from a public or private facility that provides shelter for such individuals, or from the local police department or social services agency.

F. Elderly means at least 62 years.

In order to comply with Verification of elderly status (62 or more years), an original birth certificate will be required by the PHA. Disabled status will be verified as established by the PHA of the list of documents' required to verify eligibility. Involuntarily displaced status will be verified as explained in item #1 of this Section (Involuntary Displacement)

Informing Applicants About Preferences

The PHA must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences.

If the PHA determines that said notification to all applicants on the waiting list is impracticable because of the length of the list, the PHA that provide this notification to fewer than all applicants on the list at any given time. The PHA must, however, have notified a sufficient number of applicants at any given time that, on the basis of the entity's determination 'of the number of applicants on the waiting list who already claim a preference and the anticipated number of admissions

- (i) There is an adequate pool of applicants who are likely to qualify for a preference; and
- (ii) It is unlikely that, on the basis of the PHA's framework for applying the preference.

Initial Determination on Qualification for a Local Preference

At the time of application, initial determination of an applicant's entitlement

to a local preference may be made on the basis of the certification provided by the applicant. The applicant will be placed off the waiting list according to the information provided by him as to his qualification for the local preferences such information will not be verified at the time of the preliminary application.

Verification of Preference Prior to Admission

Before admitting an applicant on the basis of a:

Local preference, the PHA must require the applicant to provide the document's outlined above to verify that the applicant qualifies for local preference because of the applicant's current status.

If the applicant's preference can not be verified, the applicant will be replaced in order on the waiting list without the local preference or given a 10% exception. The applicant will also be notified of the preference denial and given the opportunity for an informal hearing. (See chapter on Complaints and Appeals).

Effect of a Change in Circumstances

Applicant circumstances may change while awaiting a Voucher offer. These changes may affect entitlement to a preference. Applicants are required to notify the PHA in writing when circumstances change. Whenever applicants claim a different preference, they will be placed on the waiting list in the order of their claimed preference.

However, to be finally determined eligible, applicants must still meet the preference category (ies) cited at the time that a full application is completed.

D. Order of Selection

Among applicants with equal Preference Category, the waiting list will be organized by the date and time applications are received by the PHA. The time of an application will be assigned by lottery method among all applications received at the office either by mail or in person on a given date.

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 under the PHA occupancy policies.

If the PHA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the PHA 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.

E. PHA Limitations on Local Preferences

- (i) The PHA may limit the number of applicants that may qualify for any Local Preference.
- (ii) The Local Preference limit only applies to admission of an applicant from the Waiting List. A Special Admission (explained below) is not counted against the Local Preference limit.
- (iii) The Local Preference limit does not apply when an applicant is given admission under Portability Procedures. The admission of a portability family by a receiving PHA does not count against the receiving PHA Local Preference limit.

F. Contents of Waiting List

The waiting list will provide the following information on apparently eligible households an active Pre-Application:

- 1) Applicant name;
- 2) Family unit size (number of bedrooms for which family qualifies under PHA occupancy standards);
- 3) Date and time of application;
- 4) Qualification for Local Preference;
- 5) Qualification for any ranking preference; and
- 6) Racial or ethnic designation of head of household.

G. Procedure for Removing Applicant Names From Waiting List -

Failure to respond to PHA's request for information or updates in the time provided will be sufficient ground for the applicant's removal from the waiting list unless family / health / work emergency is verified by the PHA.

A PHA decision to withdraw from the waiting list the name of an applicant family that include person with disabilities is subject to reasonable accommodation in accordance with 24 CFR part 8. If the applicant did not respond to the PHA request for information or updates because of the family member's disability, the PHA must reinstate the applicant in the family's former position on the Waiting list An extension may be considered an accommodation if requested in advance by the applicant with disability.

H. Procedure for Reopening theWaiting List

When the PHA reopens a waiting list, the PHA must give Public Notice (in local newspaper of general circulation and also by minority media that families may

apply for tenant-based assistance. The notice must state any limitation on who may apply for available slots, and where and when to apply. Generally, application will be received at the PHA general office. The notice must comply with HUD fair housing requirements.

The PHA may adopt criteria defining what families may apply for assistance under a public notice.

If the waiting list is reopened, the PITA must accept applications from families for whom the list is open unless there is good cause for not accepting the applications, such as denial of assistance because of action or inaction by members of the family, for the grounds stated in 24 CFR 982.552.

Applications should be submitted in person at the PHA during business hours specified in the Public Notice.

The application must be dated, time-stamped and referred to the PHA's Office where tenant selection and assignment is processed.

Applications are dated in accordance with the procedures outlined in the Equal Opportunity Housing Plan. Generally, applications are dated and time-stamped when they are received by the PHA.

Among applicants with equal preference status, the waiting list will be organized by the date and time applications are received by the PHA. The time of an application will be assigned by lottery method among all applications received at the office either by mail or in person on a given date.

Individuals who have a physical impairment which would prevent them from making application in person may call the Intake Department to make special arrangements to complete their pre-application.

I. Procedure for Closing the Waiting List

Applications are to be accepted from families specified on the Public Notice, unless the PHA determines that the existing list contains an adequate pool for use of available program funding.

Even if the PHA is not otherwise accepting additional applications, the PHA must accept applications from applicant who claim a preference unless the PHA determines that the waiting list already contains an adequate pool of applicants who are likely to qualify for a preference.

Families with unexpected housing needs (emergencies) during the period in which the waiting list is closed will be assisted by referring them to Public Housing shelters in order to effectively resolve the situation.

J. Updating the Waiting List

The PHA will periodically update the waiting list, to ensure that it is current and accurate. One of the ways this will be done is to require applicants to contact the PHA once each year to remain current on the list.

Another method the PHA may utilize, at their option, is to mail a letter to the applicant's last known address requesting information regarding their continued interest in maintaining a place on the waiting list.

If the applicant did not notify the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the update request.

The request letter will include a deadline date by which applicants must contact the PHA to inform of their continued interest, by mail or in person.

If the PHA fails to receive the applicant notice by the deadline date, using either method, the applicant's name will be removed from the waiting list. -

Applicants will be given 15 calendar days to return the notice of continued interest. The PHA does not accept responsibility for mail delays.

If a letter from the PHA to the applicant is returned by the Post Office with out a forwarding address, the applicant will be removed from the waiting list without further notice. The envelope and letter will be filed If said letter is returned with a forwarding address, it will be re-mailed by the PHA to the address indicated.

K. Special admission (non-waiting list): Assistance targeted by HUD

When HUD awards funding to a PHA program which is the targeted for families living in specified units the PHA must use the assistance for the families living in those units. The PHA must admit said families under a Special Admission procedure.

Special Admission is given to families that are not on the waiting list, or without considering the family's position on the waiting list. The PHA must maintain records showing that a family was admitted with HUD-targeted assistance. Special admission families need not to qualify for any preference. They are not counted against the limit of local preference admissions. The PHA must maintain a separate record of these admissions

L. Finalizing the Determination

All completed and verified applications will be added to an "Eligible To Be Notified List". Families in such list will be called for briefing and issuance of voucher in accordance with the policies herein provided.

A statistical report will be prepared by the Section 8 staff on a monthly basis, to ensure that the low or very low income requirement is met, that the number of vouchers issued is sufficient to maintain contracts for the number of units authorized.

M. Quality Control Procedure

To ensure a proper management of the information of families on the waiting list the PHA created a database program which will organize the applicants according to preference priority. A user name and password will be required as a security measure. The information stored on the database will be the participants name, social security number, family composition, income and preferences if applicable. This program is capable of printing various reports which will facilitate the selections from the waiting list.

7- SUBSIDY STANDARDS

This Part describes the subsidy standards used to determine the Voucher size issued to families when they are selected from the waiting list, as well as PHA's procedures when a family's size changes, or a family selects a unit size that is different from the family's Voucher. All units are subject to PHA approval.

A. DETERMINING VOUCHER SIZE [24 CFR 982.402]

PHA's subsidy standards used to determine Voucher size should be applied in a manner consistent with Fair Housing guidelines. PHA does not determine who shares a bedroom or sleeping room, but the family must include at least one person per bedroom. All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements. The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

The following requirements apply when the PHA determines family unit size:

- The Subsidy standards must provide for the smallest number of bedroom needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards (24CFR982.401 (d)).
- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 3 years of age).
- Foster children will be included when determining unit size if they are expected to be in the unit for more than six months.

- Space will be provided for a child who is away at school or a spouse who is away in the military.
- Single persons shall be provided a one-bedroom Voucher.
- A family that consists of a pregnant woman (with no other persons) will be treated as a two- person family [24 CFR 982.402(5)].
- Adults of the same sex may share a bedroom.
- Children of same sex should share a bedroom.
- Children of opposite sex may share the bedroom until one of the children reaches age 6.
- Non-custodial parent not eligible for additional bedroom size.
- Unborn children will be included in the size of households.
- Persons with verifiable medical needs or other extenuating circumstances could be provided a larger unit.
- Children under the age of 3 may share a bedroom with a parent.
- A live-in attendant will generally be provided a separate bedroom.
- Units will be assigned so that a minimum of one person will occupy each bedroom.
- Families will not be required to use rooms other than bedrooms for sleeping purposes in the voucher size determination.

GUIDELINES FOR DETERMINING VOUCHER SIZE

Voucher Size	Persons in Household	
	(Minimum #)	(Maximum #)
Efficiency 0	1	1
1 Bedroom	1	2
2 Bedroom	2	4
3 Bedroom	3	6
4 Bedroom	5	8
5 Bedroom	6	10

The standards are administrated to result in the pattern of issuance as showed in the fallowing table.

B. Exceptions to Subsidy Standards [24 CFR 982.403(A) & (B)]

PHA shall grant exceptions to the subsidy standards if PHA determines that the exceptions are justified by the relationship age, sex, health or disability of family members, or other individual circumstances.

PHA will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a verified medical or health reason.

A family may request a larger sized Voucher than indicated by PHA's subsidy standards. Such request must be made in writing within 10 business days of PHA's determination of voucher size. The request must explain the need or justification for a larger voucher size. Documentation verifying the need or justification will be required as appropriate. Requests based on health related reasons must be verified by a doctor or medical professional.

Changes in Household Composition

The Voucher size is determined prior to the briefing by comparing the family composition to PHA subsidy standards. If an applicant requires a Change in the Voucher size, the above referenced guidelines will apply

The family obligations require the family to request PHA approval to add any other family member as an occupant of the unit and to inform PHA of the birth, adoption or court-awarded custody of a child or any changes in the household composition, related or non-related. The family must request prior approval of additional household members in writing within ten (10) business days. If the family does not obtain prior written approval from PHA, any person the family has permitted to move in will be considered an unauthorized household member.

The PHA will consider the request according to the conditions outlined in this Plan and determine whether or not the request will be granted. The necessity for an exception to unit size standards must be verified and documented by the PHA. The granting of the exceptions shall be at the discretion of PHA.

Other special circumstances that may dictate a larger size than the Occupancy Standards include, but are not limited to:

- . Spouses who, because of verified medical reason, cannot share a bedroom;
- . An elderly, handicapped, or disabled person who requires a live-in attendant;
- . Children of the same sex with more than 10 years of age difference;
- . Different generations.

Change in Unit Size

Availability is a factor to consider when a change in family size or composition requires the issuance of another size of Voucher. If the Voucher that is needed is unavailable at the time of occurrence of the change, the family will be placed on the Transfer List.

Families will be selected from the Transfer List before families are selected from the Waiting List. This assures that families who are already on the program are housed properly whenever possible.

The factors mentioned in this Chapter should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not covered in this policy, the case should be taken to the Supervisor, who will review the situation considering the individual circumstances and the verification provided by the participant.

8. POLICY ON ABSENCES FROM THE ASSISTED UNIT AND INCOME DETERMINATION FOR CALCULATION OF TOTAL TENANT PAYMENT

A. Absence from the Assisted Unit

Absence means that no family member is residing in the unit.

If the family has to leave the household for more than 180 consecutive calendar days in any circumstances, the housing assistance payments to the family will be terminated. The owner must reimburse the PHA for any housing assistance payment for the period after the termination.

In case of a one parent home, if a child or children are taken away by the Social Services agency, the PHA will try to find out from the agency if the children will be returned to the assisted unit, and how long would it take to return them. The parent will retain his/her eligibility as a remaining member of the tenant family. She/he may have to be issued a different size or Voucher. To determine whether and when the size of the unit should be changed, the case should be taken to the Program Director, who will use an approximate time of 180 consecutive calendar days as a guide, depending on the individual circumstances and verification provided.

If the single parent leaves the household and adult is brought in to take care of the child or children while the parent is away, the family will not be terminated as long as it continues to meet the definition of family. A change in family composition will take place if the stay is longer than the visitors provision defined in the Lease (typically 14 days).

Families must report in writing to the PHA any absence from the household of

more than 30 consecutive calendar days.

1. Spouse

If the husband or wife leaves the household for more than 180 consecutive calendar days and the family declares him/her permanently absent in writing, they will be determined permanently absent and will be removed from the lease.

If the husband or wife leaves the household for a period of less than 180 consecutive days, the family member will be determined Temporarily Absent unless one of the situations below occurs (which will make it a Permanent Absence):

- If the husband or wife initiates and/or obtains a divorce or legal separation, the person who leaves the household will be considered permanently absent. If the spouse living is the one who will take care of the child or children and such spouse provides notice to the PHA before vacating the unit, the PHA will consider the situation and make a determination as to who will retain the Certificate or Voucher.
- There has been a protective court order issued against the spouse who left.
- The remaining husband or wife declares the spouse who left permanently absent and provides proof to that effect. Such proof will consist of one or more of the following items, provided they mention the current address of the spouse who left: utility and phone bills, valid driver's license, employment verification, verification by social service agency, or participant's current landlord. A notarized statement by the remaining husband or wife will be accepted if no other proof can be provided.

If the spouse is incarcerated, a document from the Court or prison should be

obtained as to the expected period of incarceration.

2. Adult Child

If an adult child goes into the military and leaves the household, such adult child will be declared Permanently Absent.

A student (other than husband or wife) who attends school away from home but lives with the family during school recesses may be declared Permanently Absent (income not counted; not included on lease; not counted for determining Certificate/Voucher size) or Temporarily Absent (income counted, on lease, counted for Voucher size), at the Family's Option.

If the adult child leaves the household for more than 180 consecutive calendar days of the re-certification period and the family declares such adult child permanently absent in writing, they will be declared permanently absent and will be removed from the lease.

If the adult child leaves the household for less than 180 consecutive days, such adult child will be declared Temporarily Absent unless one of the situations below occurs:

- If a protective order has been issued by a court against the adult child who has left.
- The head of household declares the adult child permanently absent and provides proof to that effect, which will consist of one or more of the following items which show the current address such adult child: utility and phone bills, valid driver's license, employment verification, verification by social service agency, or participant's current landlord. A notarized statement by the head of household will be accepted if no other

evidence can be provided.

If the adult child is incarcerated, a document from the Court or prison should be obtained as to the expected period of incarceration.

3. Adult Family Members Other than Spouse

This includes other persons who were declared to be members of the family, such as members living in an espousal relationship. If one of such other adults leaves the household for more than 180 consecutive calendar days of the re-certification period and the family declares such member permanently absent in writing, such adult will be declared permanently absent and will be removed from the lease.

If such adult leaves the household for less than 180 consecutive calendar days, he/she will be declared temporarily absent unless one of the situations below occurs:

- A court issued a protective order against the adult who left.
- The head of household declared such other adult permanently absent and provides proof to that effect, which will consist of one or more of the following items which show the current address of the adult declared permanently absent: utility and phone bills, valid driver's license, employment verification, verification by social service agency, or participant's current landlord. A notarized statement by the head of household will be accepted if no other evidence can be provided.

If such other adult is incarcerated, a document from the Court or prison should be obtained as to the expected period of incarceration.

4. Joint Custody of Children

In case of child or children who are subject to a joint custody agreement and live in the assisted unit, a document from the court indicating the nature of the agreement should be submitted to the PHA.

For example, the document should indicate that the child's primary domicile is with the mother, and that he/she resides there 60% of the time, residing with the father 40% of the time.

Children who are subject to a joint custody agreement but live in the assisted unit at least 60% of the time will be considered members of the household. "60% of the time" is defined as 219 days of the year, which do not have to run consecutively.

5. Sole Member of Household

If the sole member of the household has to leave the assisted unit for more than 90 days, he/she will be terminated from the program unless he/she requests an extension by submitting documentation from a reliable medical source that she/he will return within a total of 180 consecutive calendar days.

If the sole member has to leave the unit to go to a hospital or nursing home, advice from a reliable medical source will be obtained as to the likelihood and timing of their return. If such medical source determines that sole member will be permanently confined to a nursing home, said member will be considered permanently absent.

6. Visitors

If an adult "visitor" stays in the unit for more than 30 days per year, they will be considered a member of the household. Minors may visit for up to 90 consecutive days per year without being considered a member of the household as long as they

have written permission of the owner/manager to stay longer than 30 days and the head of household still claims them as temporary members.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 150 calendar days per year without being considered a member of the household as long as they have written permission of the owner/manager to stay longer than 30 days.

In addition, in a joint custody arrangement, if the minor is in the household less than 183 days per year, the minor will be considered to be an eligible visitor and not a family member.

7. Reporting to Owner

The additional person, whether a family member or a visitor, should be reported to the owner/manager. In the case of the minor staying longer than 30 days, as described above, written permission must be obtained from the owner, allowing them to continue in residence as a visitor.

8. Reporting to the PHA

The family will need to declare a member as permanently or temporarily absent in writing to the PHA. The PHA will advise the family at that time, or at reexamination, what the options are and how it might affect the Total Tenant Payment or the Voucher size.

B. Temporarily Absent Family Members' Income

Income of temporarily absent family members is counted.

Is the spouse or the head of household is temporarily absent, his/her entire income is counted, whether or not she/he is on the lease.

If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire) is counted as income and any other military income excluded under a regulation (such as Desert Storm income).

C. Income Determination for Calculation of Total Tenant Payment

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations. This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24CFR Part 813 and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA's policies in this Chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP. The following definitions are going to be used with this chapter.

Income: The types of money which are to be used as income for purposes of calculating the TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is counted.

Annual income is defined as gross amount of income anticipated to be received by during the 12 months after certification or re-certification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include which has been excluded by HUD. Annual income is used to

determine whether or not applicants are within the applicable income limits.

Adjusted Income is defined as the Annual income minus any HUD allowable deductions. HUD has five allowable deductions from Annual Income:

1. Dependent allowance: \$480 each for family members (other than the head or spouse), who are minors, and for family members who are 18 and older who are full - time students or who are disabled.
2. “Elderly” allowance: \$400 for families whose head or spouse is 62 or over or disabled.
3. Allowable medical expenses for all family members are deducted for “elderly” families:
4. Child care expenses for children under 13 are deducted when child care; is necessary to allow an adult member to work or attend school.
- ..
- 5 Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual on an adult family member to work.

“Minimum Rent” and Minimum Family Contribution

Minimum family contribution in the voucher program is \$50. (*See Minimum Rent Harship Exemption Policy in Section D of this chapter*).

The Total Tenant Payment is calculated in accordance with 24 CFR Part 813.

Averaging Income

There are two ways to figure income when the income is not anticipated to be received for a full year:

- Annualizing current income (and subsequently conducting an interim reexamination if income changes); or
- Averaging known sources of income that vary to compute an annual income
(no interim adjustment if income remains what was calculated).

The PHA will use the annualizing current income method for all families unless there are known sources of income which can be used to anticipate income.

Last year's income could be analyzed to determine the amount of income to be anticipated when it cannot be clearly verified.

If the last three months' of income are representative of the income which may be anticipated for the next year, such as overtime worked when the employer cannot anticipate how much overtime the family member will have over the next year, the last three months may be used to anticipate the income.

If the last three months' of income are not representative of the income which may be anticipated for the next year, such as overtime worked only at Christmas, the overtime worked for the entire year will be used to anticipate income.

If the anticipated income from the employer shows a raise in pay which is to occur midyear (such as 4 months from the last effective re-certification date), income is to be calculated at the old rate for period it would be received (such as 4 months in

the example above) and at the new rate for the specified period (such as 8 months in the example).

If there are bonuses to be anticipated, but the employer does not know how much the bonus will be, the bonus from last year, if any, will be used for calculation purposes.

If, by averaging, a reasonable estimate can be made, that estimate is used instead of changing the HAP every month.

At reexamination, the PHA can use last year's income, if the income cannot be anticipated for the coming year, and average.

Minimum Income

There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there actually is income, but it is not being reported.

Families may not be required to apply for welfare, but it may be suggested to them.

Families who report zero income should be required to fill out the Statement which lists the anticipated expenses of the family and certification of no income every 30 days.

Income of Person Permanently Confined to Nursing Home

If a family member is permanently confined to the hospital or nursing home, and

there is a family member left in the household, the PHA will exclude the income of the person permanently confined to the nursing home and give the tenant no medical deductions paid on behalf of the confined family member.

For determination as to whether the person is confined to a nursing home on a temporary or permanent basis, see the definition of Temporarily/Permanently Absent in this Plan.

Regular Contributions and Gifts

Regular contributions and gifts received from persons outside the household area counted as income.

This includes rent and utility payments paid on behalf of the family and other cash non-cash contributions provided on a regular basis.

If the family's expenses exceed its known income, the PHA will question the family about contributions and gifts.

Alimony and Child Support

Regular alimony and child support payments are counted as income.

If the child support is not received on a regular basis, the PHA must count the amount of child support in the divorce decree or separation agreement unless the PHA verifies that the income is not provided.

In order to calculate with any other amount than the amount in the award, the PHA must obtain a certification from the tenant as to how much is being received on an annual basis, plus they must have documentation in the file that the family has filed with the agency responsible for enforcing the payments.

Lump Sum Receipts

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses are not included in income.

Lump-sum payments caused by delays in processing periodic payments (unemployment, welfare assistance or social security benefits) are counted as income.

Treatment of accumulated periodic payments because the income was deferred due to a dispute is handled no differently than periodic payments which are deferred because of processing problems.

The PHA will develop a calculation method which calculated prospectively. The PHA may calculate retroactively with the director's approval.

Prospective Calculation:

If the lump sum amount is received and reported so that it results in an interim adjustment, it will be calculated as follows:

- The entire lump sum payment will be added to the rest of the annual income at the interim;
- The PHA will determine the percent of the year the interim represented (3 months would be 25% of the year, leaving a 75% balance);

- At the next annual re-certification, the PHA will take 75% of the lump sum and add to the rest of the annual income;
- The lump sum will be used in the same method for any interims which occur prior to the next annual re-certification.

If the family does not report the lump-sum payment in a timely manner, the lump sum amount will be calculated retroactively in this way:

- The PHA will calculate the lump-sum retroactively, going back to the date the lump-sum payment was to be considered, as long as that date is not prior to program participation.
- In the lump-sum payment started 5 months ago, for example, the entire lump-sum amount is added to the Annual Income in effect 5 months ago and the Total Tenant Payment and Tenant Rent are recalculated. The new Tenant Rent is taken times the number of months that had elapsed until the current calculation and the difference between what was paid and what should have been paid is determined.
- At the PHA's option, the tenant will enter into a Repayment Agreement or require that the entire amount be repaid at this time unless the entire payment represented an onerous burden on the family.

Attorney Fees

Attorney fees may be deducted from lump sum payments when computing annual income when:

- The attorney's efforts have recovered a lump-sum compensation for the wrongful reduction or denial of a periodic payment, and
- The recovery does not include an additional amount in full satisfaction of the attorney fees.

In these situations, the tenant does not actually recover the entire amount of the past due periodic payment because she/he must pay the attorney fees.

This situation does not include those in which an amount is withheld from funds otherwise due the tenant to satisfy legitimate financial obligations unrelated to obtaining the income.

Contributions to Retirement Funds

Contributions to company retirement/pension funds are handled in this manner:

- While an individual is employed, count only amounts the family can withdraw without retiring or terminating employment.
- After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

Grant and Scholarships

Educational scholarships include various educational entitlements, grants, work-

study programs, and financial aid packages. They also include amounts received by veterans for educational purposes.

The PHA will determine the purpose of the grant or scholarship from the financial aid office or other scholarship source.

The PHA will not verify how the student actually uses the funds that are provided. None of the “expense” categories have to be defined because there is no verification of expenses.

Where the source does not designate which part of the grant or scholarship is used for “attendance costs” and which part for living expenses, the PHA may adopt any reasonable method to determine the portion of the scholarship to count as income. The method adopted will not in income for attendance costs being counted.

Student loans will not be considered income even if part of the loan is being used for general living expenses.

If a member (student) is attending school away from home, the family may remove the person’s income completely, whether from scholarship or any other source.

Child Care

Child care will not be given for attending a private school, rather than a public school. However, if the private school also provides day care or after-school care, in addition to regular school hours for school-age children, the after-hours care can be counted as child care, as long as the family is eligible for child care.

Child care cannot be given if there is an adult household member capable or caring for the child who can provide the child care because they are not working or attending school, except in the case of Voucher holders under the Family Self-

Sufficiency programs.

Examples of those adult members who would be considered unable to care for the child include:

- The adult member in a documented child abuse situation;
- A medically disabled or older person unable to take care of a small child, determined by doctor's statement.

The following aspects are used to determinate the reasonableness standard for child care:

- Child Care to Work: The maximum child care allowed will be based on the amount earned of the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
- Child Care for School: The PHA will compare the number of hours the family member is attending school and base the reasonableness standard on the number of hours attending school (with the addition of some travel time to and from school) versus the number of hours claimed for child care.
- Rate of Expense: The PHA will survey the local day care providers in the area/community to determine a reasonableness standard. The determination will be made only on a reasonable HOURLY rate.

If the child care provider is an unlicensed individual, the individual must provide their Social Security Number and a notarized statement of the amount that is being charged.

Medical Expense

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

The PHA will allow as medical expense the actual out-of-pocket amounts which are owed and anticipated to be paid by the family during the reexamination period. Expenses from the previous year may be analyzed to determine the amount to anticipate when other verification is not available.

Non prescription medicines must be doctor recommended with a specific dosage and a period of time in order to be considered as a medical expense.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

Assets Disposed of for Less than Fair Market Value

The PHA must count assets disposed of for less than fair market value during the two years preceding certification or re-examination. The PHA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcies are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The PHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$5,000. If the total value of assets disposed of within a one year

period is less than \$5000, they will not be considered an asset.

Contributions to Retirement Funds - Assets

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

D. Minimum Rent Hardship Exemption (24 CFR 5.630)*

The Municipality of Cabo Rojo recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The PHA will review all relevant circumstances brought to the PHA's attention regarding financial hardship as it applies to the minimum rent. The following section states the PHA's policies in regard to minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998. HUD has defined circumstances under which a hardship can be claimed (24 CFR 5.630).

Criteria for Hardship Exemption

In order for a family to qualify for hardship exemption, the family's circumstances must fall under one of the following HUD criteria:

- 1. When the family has lost eligibility or is awaiting an eligibility determination for federal, state, or local assistance.*
- 2. When the family would be evicted as a result of the imposition of the minimum rent requirement.*
- 3. When the income of the family has decreased because of changed circumstances, including loss of employment.*
- 4. When a death has occurred in the family.*
- 5. Other circumstances as determined by the Municipality of Cabo Rojo.*

Suspension of Minimum Rent

The PHA will grant the minimum rent suspension to all families who request it, effective the first of the following month. The minimum rent will be suspended until the PHA determines whether the hardship meets the criteria for exemption and whether it is temporary or long-term.

“Temporary” means verified to last less than 90 days.

“Permanent” means lasting 90 or more days.

“Suspension” means that the PHA must not use the minimum rent calculation until the PHA has made this decision.

During the minimum rent suspension period, the family will not be required to pay the minimum rent, and the housing assistance payment (HAP) will be increased accordingly.

If the PHA determines that there is no qualifying hardship, the PHA will reinstate the minimum rent, including payment for minimum rent from the time of suspension. The PHA will determine whether a repayment agreement is feasible in accordance with its repayment policy.

Temporary Hardship Suspension

If the PHA determines that the hardship is temporary, the minimum rent will not be imposed for a period of 90 days from the date of the family's request unless the family reports that the temporary hardship no longer exists. At the end of the temporary suspension period, the minimum rent will be imposed retroactively to the time of suspension. The Municipality of Cabo Rojo will offer the family a reasonable repayment agreement.

Long-Term Duration Hardship Exemption [24 CFR 5.630 (b)(2)(iii)B]

If the PHA determines that there is a qualifying long-term financial hardship, the PHA must exempt the family from the minimum rent requirements for as long as the hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

9. VERIFICATION PROCEDURES

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the PHA. Applicants and program participants must furnish proof of their statements whenever required by the PHA, and the information they provide must be true and complete. The PHA's verification requirements are designed to maintain program integrity. This Chapter explains the PHA's procedures and standards for verification of preference, income, assets, allowable deductions, family status, and when there are changes in family member The PHA will ensure that proper authorization from the family is always obtained before making verification inquiries

A. General Policy

The PHA shall verify family income, family composition, status of full time students, value of assets, factors allowing a preference, and other factors relating to eligibility determinations before an applicant is issued a Voucher.

B. Methods of Verifications

1. Third Party Verification

Third party verification is considered to be the most effective means of verifying information provided by the family. Verification forms will be sent by mail to the appropriate third party with a request that the form be returned via mail. It is the intent of the Authority that the form shall never pass through the hands of the applicant/participant.

In the event that third party written verification is not possible due to an unwilling by the source to respond or the event that the information is not returned within a four(4) week period, staff will be advised to note the file accordingly and then to

proceed with the third party oral verification.

The PHA will not accept verification delivered by the family except computerized printouts from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board
- Municipalities
- Child Support Enforcement Agencies

Oral verification will be effectuated through a phone call to the source or via an “in person” meeting. When third party oral verification is used, staff will be required to complete a form noting who they spoke with, the date of the conversation, and the nature (facts provided) of the conversation: If provided by telephone, the PHA must originate the call

The PHA will not allow tenants to “hand carry” or bring back from the source to be considered third party verifications. Third party verifications will be mailed directly to the third party source.

When the PHA uses oral third party verification, a Person Contacted form will be filled out by the staff person.

2. Review of Documents

In the event neither third party written or oral verification is possible, staff will request the applicant/participant to bring in actual documents at the time of the application.

All documents, excluding government checks, will be photocopied and retained in the applicant file.

Where “review of documents” occurs and forms cannot be photocopied, staff viewing document(s) will be required to complete a Document Viewed form.

The PHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer print-outs from the employer
- Signed letters (provided that the information is confirmed by phone)
- Other documents noted in this Chapter as acceptable verification

The PHA will accept faxed documents. If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the PHA will utilize the third party verification.

3. Applicant Certification/Self-Declaration(s)

When verification cannot be effectuated by either form of third party verification nor review of documents, applicants will be required to submit a notarized statement.

Notarized statements are only to be used as a last resort, when the other forms of verification are impossible to obtain. A non-notarized tenant statement as a form of verification is not acceptable.

No government checks will be photocopied. The Document Viewed form will be

used to record the verification.

4. Upfront Income Verification (UIV) Policy

Overview

UIV is the verification of income, before or during a reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. UIV replaces, to the maximum extent possible, the more time-consuming and less accurate third party verification process.

HUD's UIV systems provides PHA with information supplied from state wage information collection agencies (SWICA), employers and the Social Security Administration (SSA). Income information is provided through a data matching process for the households covered by a 50058 form submitted to HUD.

The UIV is HUD's Key Strategy in reducing income and rent errors from unreported income. The primary objective of this tool is to increase accuracy and efficiency in determining family eligibility and computing rent calculations. It also removes the barriers to verify tenant-reported income.

Verification Orientation

Section 8 Program participants must be orientated about the UIV tools that will be used as part of the annual activities, such as re-certifications and interims, to verify income information. PHA will request the family to fill the HUD Form 9886: Authorization for Release of Information/Privacy Act. During the interview process the family will be orientate about how that income verification tool works.

The staff who conduct the interview process must emphasize the importance of fully disclosing income by informing participants before disclosure that the PHA have access to income information through HUD's UIV tools, such as social security benefits, wages, employment information, new hire information and unemployment compensation.

The PHA is using the following UIV's tool: the Enterprise Income Verification (EIV) System.

Enterprise Income Verification (EIV) System (Federal Register, Vol. 70 No. 138, 07//20/05)

The purpose of the EIV System is to make integrated income data available from one source, via the internet, to improve income verification during required income reexaminations. It provides information about wages, employer, new hire information, unemployment compensation, and Social Security Administration (SSA) benefit information through a data matching process for households covered by a HUD Form 50058. The EIV System helps identify households that may have potentially under reported annual household income.

As an UIV's tool, provides income discrepancy reports to identify families who may have substantially underreported household income. Income information will only be displayed for individuals whose identity verification status is "verified" (tenant SSN, last name and date of birth combination has been verified by SSA).

EIV User Roles

1. User Administrator- Has the ability to request access for staff, assign roles and developments to users, modify user roles and assignments, certify users for continued system access every calendar quarter, and remove assigned roles.
2. Security Administrator- Has the ability to monitor staff access to system.
3. PHA Occupancy-Voucher- Has the ability to view income data of only Section 8 tenants.

PHA should have at least one occupancy user for each program that the PHA administers. The Occupancy user roles should only be assigned to staff who needs to have access to income data (need-to-know basis). Users who are no longer with the agency or whose duties no longer require access should not be certified.

Income Details Reports

The EIV Income Details Reports will include information for all household members. The print out of that report should be included in tenant file folder with re-exam documents.

PHA may **not** disclose (or re-disclose) UIV data to **any** third parties (UIV data is property of the Federal Government and protected by Federal Privacy Act). PHA may provide UIV data to the individual (only) whom the record pertains. UIV data of minors may be provided to the minor's parent or guardian.

Acceptable Verification

PHA use UIV to comply with 24 CFR 960.259(a)(1), which requires PHA to obtain and document in the family file third party verification of the following factors or document or in the file why third party verification was not available:

- I. reported family annual income
2. value of assets
3. expenses related to deductions from annual income
4. other factors that affect the determination of adjusted income or income-based rent.

In an event that third party verification is not available, the PHA must document the tenant file as to why third party verification was not available. Below are some examples of acceptable file documentation:

1. New admission, information is not available in UIV
2. New tenant, information not available in UIV
3. Current tenant, information not available in UIV due to change in re-examination date
4. Current tenant, information not available in UIV due to discrepancy with name, date of birth, or social security number in SSA file
5. Current tenant, information not available in UIV, reason unknown

As established by Notice PIH 2006-41 Verification of Social Security (SS) and Supplemental Security Income (SSI) Benefits, if SS benefit information is not available in the EIV system, the PHA should request a current SSA benefit verification letter from each household member that receives social security benefits. If the participant and/or household members are unable to provide the requested document(s), the participant/household member should call SSA at 1-

800-772-1213 to request a benefit verification letter. Also, the participant can request for a benefit verification letter that can also be made at the SSA Internet Website at www.ssa.gov . Upon receipt, the participant/household member should provide the PHA with the original benefit verification letter. The PHA should make a photocopy of the original benefit verification letter, return the original benefit verification letter to the participant/household member, and maintain the photocopy of the benefit letter in the tenant file.

The following are acceptable verifications:

1. UIV + Current tenant provided documents; or
2. UIV + Current tenant provided documents + Written third party verification (Required when tenant disputes UIV data or PHA requires additional information); or
3. UIV + Current tenant provided documents + Lower levels of verifications

Documents provided by tenants shouldn't be older than 60 days from the reexamination date.

Income Discrepancies

If there any discrepancies between the UIV data and the information provided by family members, the PHA will discuss it with the participant and document it. The PHA may obtain additional documents from tenants and/or third party (if necessary).

Statutory and regulatory requirements prohibit PHA from taking any adverse actions against participants solely based on computer matching information.

As stated on Federal Privacy Act 5 U.S.C. 552a, in order to protect any individual whose records are used in a matching

program, no recipient agency, non-federal agency, or source agency may suspend, terminate, reduce or make a final denial of any financial assistance or payment under a federal benefit program to such individual, or take other adverse action against such individual, as a result of information produced by such matching program, until the agency has independently verified the information”.

PHA may not suspend, terminate, reduce, or make a final denial of assistance to any tenant as a result of information produced by UIV tools, until:

1. Tenant has received a notice from the PHA about the discrepancies and has been offered the opportunity to reply;
2. Either the notice period provided in applicable regulations of the program or 30 days, whichever is later, has expired.

In most cases, it is anticipated that PHA will resolve income discrepancies with participants. (See 24 CFR 5.236).

In those cases, where there is undisclosed income the PHA will consider the following aspects:

- Repayments agreements
- Thresholds for legal action related to fraud
- Interim reexamination thresholds

Availability of Income Information

The availability of income information in HUD systems is dependent upon data

quality and timely submission of HUD Form 50058 to the Public and Indian Housing Information Center (PIC). PHA must ensure that data entered on HUD Form 50058 is accurate and complete. If the family's HUD Form 50058 is not successfully submitted to PIC, income information will not be available in HUD income verification systems.

While the EIV will be excellent tools for highlighting potential income errors, PHA will still has the responsibility to:

- Compare the information provided by systems with participant-provided information.
- Resolve income discrepancies promptly to determine accurate tenant rents based on all available information.

In addition, PHA will be responsible for:

- Maintaining a current form HUD-9886 in each HCV participant's file.
- Ensuring that UIV data is stored in places that are physically secure from access by unauthorized persons.

C. Release of Information

At the application stage, families will be asked to sign appropriate verification forms, as well as a blanket authorization. Each member so requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature. Each and every verification form will contain the appropriate family members' signature as proof of:

- Their consent to the "third party" for release of specified

information: and

- Evidence of their understanding of the type/nature of information being sought.

Family refusal to cooperate with the HUD prescribed verification system will result in the termination of the household's application and will result in ineligibility status.

D. Computer Matching

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

E. Items to be Verified

- All Income unless specifically excluded by the regulations;
- Current Assets (for those assets disposed of for less than fair market value in preceding two years, verification will simply be a "self certification");
- Full Time Student Status (as defined by the institution for persons carrying equivalent of what school considers to be full-time for "day" students) -includes High School students who are 18 or over;
- Total Medical Expenses for "elderly" families only whose head or spouse is 62 years of age or older or handicapped or disabled

according to the HUD definition;

- Child Care Expenses where it allows an adult family member to be gainfully employed or to further their education;
- Handicapped Assistance Expenses to include only those costs associated with attendant care or auxiliary apparatus which allows an adult family member to be gainfully employed;
- Family requesting a larger unit than applicable under the PHA's occupancy standards only where family can show that larger unit is needed for "medical purposes" or other extenuating circumstances;
- Persons requesting "preference" status, based upon preferences approved in the applicable policies pertaining to the various programs,
- Zero-Income Status of household will be verified initially and every 30 days thereafter. Families alleging to have no income will be required to execute verification forms to determine that the more obvious forms of income such as unemployment benefits, AFDC, etc. are not being received by the household. The responses of these types of sources will then serve as third party independent verification.
- U. S. citizenship/eligible immigrant status

F. Minimum Income

There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there actually is income, but it is not being reported.

Families with zero income will be required to report to the PHA every 30 days.

G. Acceptable Forms of Verification

Specific information must be obtained on verifications to verify the information received by the applicant. The following verification information will be considered acceptable by the PHA in the order listed:

1. Employment Income

Any verification form **MUST** request the employer to specify the:

- Frequency of pay
- Effective date of the last pay increase; and
- Probability and effective date of any increase during the next 12 months.

Acceptable forms of verification include (in this order):

- Employment verification form completed by the employer.
- Check stubs or earning statements showing employees gross pay per pay period, frequency of pay, and year to date earnings.
- W-2 forms if applicant has had the same job for at least two years and pay increases can be accurately projected.

- Notarized statements, affidavits or income tax returns signed by the applicant describing self-employment and amount of income or income from tips and other gratuities.
2. Social Security, Pensions and Disability Income
 - a. Benefit verification form completed by agency providing the benefits.
 - b. Award or benefit notification letters or printouts prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting Medicare, they may be used only when award letters or printouts cannot be obtained).
 - c. The PHA must use the Enterprise Income Verification (EIV) System to verify Social Security benefits.
 3. Unemployment Compensation
 - a. Verification form completed by the unemployment compensation agency (and a copy of their first check or stub, if available).
 - b. Records from unemployment office stating payment dates and amounts.
 - c. Award letter from the unemployment compensation agency
 4. Alimony or Child Support Payments

- a. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- b. A letter from the person paying the support.
- c. Copy of latest check. PHA must record the date, amount, and number of the check.
- d. Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

If payments are irregular:

- a. Copy of separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- b. Statement from agency responsible for enforcing payment to show that family has filed and a printout from the court of payments made.
- c. Applicant's notarized statement or affidavit of amount received.

5. Net Income from a Business

The following documents show income for the prior years. PHA's must

consult with tenants and use this data to estimate income for the next 12 months.

- a. IRS Tax Return, Form 1040, including any:
 - Schedule C (Small Business)
 - Schedule E (Rental Property Income)
 - Schedule F (Farm Income)
- b. An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement)
- c. Audited or unaudited financial statement(s) of the business.
- d. Loan application listing income derived from the business during the previous 12 months.
- e. Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

For a Child Care Business

If a person is no longer providing child care, differences in handwriting between a document the tenant provided, signed by the person they are providing child care for and the statement they provide from the same person stating they do not baby-sit for them anymore, will be observed.

An employment verification may be requested. For either verifications must specify the child care provider's name, the name of the adult whose children are being cared for, their address, and phone, the names of the

children cared for, the frequency (number of times the baby-sitting occurs), the rate of pay, and the typical yearly amount, including school and vacation periods.

6. Recurring Gifts

- a. Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.
- b. Applicant's notarized statement or affidavit that provides the required information.

7. Scholarships, Grants, and Veterans Administration Benefits for Education

- a. Benefactor's written confirmation of amount and purpose of assistance with a breakdown which includes the amount of the grant for the student's tuition, fees, books, equipment, supplies, materials, transportation, and miscellaneous personal expense.
- b. Statement from school showing amount of grant for costs of attendance figured into grant or scholarship, hand carried by applicant.

8. Family Assets Now Held

For non-liquid assets, collect enough information to determine the current cash value minus the net amount the family would receive if the asset were converted to cash.

- a. Verification forms, letters, or documents from a financial institution, broker, etc.
- b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- c. Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.
- d. Real estate tax statements if tax authority uses approximately market value.
- e. Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.
- f. Appraisals of personal property held as an investment.
- g. Applicant's notarized statements or signed affidavits describing assets or cash held at the applicant's home or in deposit boxes.

9. Saving Account Interest Income and Dividends

- a. Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.

- b. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the applicant.

10. Interest income from Sale of Real Property Pursuant to a Purchase Money Mortgage, Installment Sales Contract, or Similar Arrangement
 - a. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the applicant is NOT sufficient since appropriate breakdown of interest and principal is not included).

 - b. Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

11. Rental Income from Property Owned by Applicant

(PHAs must adjust these amounts for changes expected during the next 12 months).

- a. Copies of latest rent checks, leases, or utility bills.

- b. Documentation of applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedules showing monthly interest expense).

- c. Lessee's written statement identifying monthly payments due the applicant and applicant's affidavit as to net income

realized.

12. Full-Time Student Status

- a. Written verification from the registrar's office or appropriate school official.
- b. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

13. Child Care Expenses

- a. Written verification from the person who receives the payments will be requested. If the childcare provider is an individual, they must provide their Social Security Number and a notarized statement of the amount they are charging the tenants for their services.
- b. Verifications must specify the child care provider's name, address, and phone, the names of the children cared for, and the frequency (number of times the baby-sitting occurs), the rate of pay and the typical yearly amount, including school and vacation periods.
- c. Applicants certification as to whether any of those payments have been or will be reimbursed by outside sources.

14. Medical Expenses (Elderly, Handicapped)

- a. Written verification by a doctor, hospital, or clinic personnel, dentist, pharmacist, etc., of:
 - the estimated medical costs to be incurred by the applicant and or regular payments due on medical bills; and
 - extent to which those expenses will be reimbursed by insurance or a government agency.
- b. The insurance company's or employer's written confirmation of health insurance premiums to be paid by the applicant.
- c. Social Security Administration's written confirmation of Medicare premiums to be paid by the applicant over the next 12 months.
- d. For attendant care:
 - Doctor's certification that states the assistance of an attendant is medically necessary.
 - Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family (or copies of canceled checks the family used to make those payments).
 - Applicants certification as to whether any of those

payments have been or will be reimbursed by outside sources.

- e. Receipts, canceled checks, or pay stubs that indicate health insurance premium costs, etc. that verify medical and insurance expenses also likely to be incurred in the next 12 months.
- f. Copies of payment agreement with medical facilities or canceled checks that verify payments made on outstanding medical bills that will continue overall or part of the next 12 months.
- g. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PHA may use this approach for “general medical expenses” such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, non recurring expenses from the previous year.

15. Medical Need for Larger Unit

A reliable medical source must certify that such arrangements are medically necessary.

16. Assistance to Handicapped

- a. Attendant Care
 - Attendant’s written certification as to: amount

received from the applicant/tenant; frequency of receipt; hours of care provided; and/or copies of canceled checks applicant/tenant used to make those payments.

- Certifications required in Paragraph B below.

b. Auxiliary Apparatus

- Receipts for purchases of or evidence of monthly payments for auxiliary apparatus.
- In the case where the handicapped person is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

c. In All Cases

- Written certification from a doctor or a rehabilitation agency that the handicapped person requires the services of an attendant of the use of auxiliary apparatus to permit the handicapped person to be employed or to function sufficiently independently to enable another family member to be employed.
- Family's written certification as to whether they receive reimbursement for any of the expenses in paragraph 1 and 2 above and the amount of any reimbursement received.

H. Verification of Eligibility

The following types of verification will be acceptable as methods to document tenant's statements regarding family status. It is to be noted that the PHA in accordance with 24CFR Part 882 dated July 3, 1995 recognizes that any single person may now qualify as a statutory family, the near elderly designation is not necessary to confer single person program eligibility.

- To verify blood relationship, use driver's license or work ID to verify name.
- For marriage, use legal certificate of marriage to verify relationship.
- For stable family relationship, use these types of proof:
 - Joint bank accounts, purchases or loans
 - Prior or current lease or rental agreements showing cohabitation
 - Credit report showing residence and joint financial activity

There must be verification that the person exists in the household, so birth certificates or some proof that the person is the person must be submitted.

Verification for adults would include one of these forms:

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Legal driver's license
- US military discharge

- US passport
- Voter's registration
- Company ID
- Health and Human Services ID
- Social Security ID
- Department of Motor Vehicles ID

Verification for minor would include one of these forms:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records
- Department of Motor Vehicles ID

Verification of divorce status would be accomplished by viewing a copy of the divorce decree, signed by a Court Officer.

Verification of a separation would be a copy of court-ordered maintenance.

Verification of guardianship would be:

- Court-ordered assignment
- Notarized declaration of parent
- Verification from social services agency
- School records

It is possible to have what appear to be two families in the same

household (such as mother and father and daughter with her own family). However, they have applied as one family, so they are one family as long as they claim to be a family and meet the family definition.

10- Briefing to Families and Vouchers Issuance

PHA's objectives are to ensure that families selected to participate in the Section 8 program are successful in leasing a suitable house, and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families are determined eligible, PHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, PHA procedures, and information on how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program, including the benefits of moving outside areas of poverty concentration. This part describes how briefings will be conducted and the information that will be provided to families.

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefing will be conducted in group and/or individual meetings. Families who attend a group briefing but need individual assistance will be referred to a Housing Counselor. Briefings will be conducted in Spanish, but may also be conducted in English if necessary.

PHA will not issue a Voucher to a family unless the household representative (head of household, co-head or spouse) has attended a briefing and signed the Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two scheduled briefings without prior notification and approval of PHA may be denied admission based on failure to supply information needed for certification. If required as reasonable accommodation and upon request by the family, PHA will conduct individual briefings for families with disabilities at their home.

A. Orientation

1. Purpose of the Orientation

The purpose of the orientation is to go over the Voucher holders Information Packet in order to fully inform the participant about the program to make his/her capable of discussing the program with potential participating owners.

2. Briefing Attendance Requirement

All families are required to attend the briefing when they are initially issued a Voucher. No Voucher will be awarded unless the head or spouse has attended a briefing. The briefing will be provided through home visits when required due to physical disability of the head of household or spouse.

Failure to attend a scheduled briefing will result in the family's application being held for the next briefing notification. Applicants who provide prior notice of an inability to attend a briefing will be rescheduled for the next available briefing.

Failure of an applicant to participate in two scheduled briefings 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.

3. Nature of time Briefing

Orientation of Voucher holders is typically handled on a group basis by a Section 8 staff member. When individual briefings are required due to special circumstances, they are conducted by a Section 8 staff person. After the group

orientation is conducted the families will be given the opportunity to ask questions. Individual interviews after the group briefing will be given upon request by the family.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packets will comply with all HUD requirements. PHA also includes other information and/or materials not required by HUD.

The family is provided with the following information and materials:

- A description of how the program works.
- Family and owner responsibilities.
- Term of the Voucher and PHA policy for requesting extensions to the term of the Voucher or suspensions of the Voucher.
- Where the family may lease a unit, including renting a unit inside or outside the PHA jurisdiction.
- Description of the method used to calculate the Housing Assistance Payment and information on Payment Standards and utility allowance.
- Copy of the application and information on how tenant rent is calculated.
- Explanation of how the maximum allowable rent is determined, including procedures for determining rent reasonableness.

- Guidance and materials to assist the family in selecting a unit. Explanation of the portability option. Information about where the family may lease a unit inside or outside the PHA jurisdiction.
- Sample of the HUD tenancy addendum.
- Request for Lease Approval form and a description of the procedure for requesting approval for a unit.
- PHA policy on providing information about families to prospective owners.
- Subsidy standards, including when and how exceptions are made, and how unit size listed on Voucher relates to the unit size selected.
- HUD brochure, "A Good Place to Live" on how to select an apartment that complies with HQS.
- HUD brochure on lead-based paint and information about where blood level testing is available.
- Information on Federal, State, and local equal opportunity laws, including the pamphlet "Fair Housing: It's Your Right." PHA will also include information on reporting suspected discrimination and the phone numbers of the Local Fair Housing Agency and the HUD enforcement office.
- A list of landlords or other parties willing to lease to assisted families or help in the housing search. In addition, a list of available housing units in all neighborhoods submitted by owners as available upon request at PHA's front desk. If the family is

currently living in a high poverty census tract in the PHA's jurisdiction, the briefing must also encourage participation in areas without low income or minority concentration.

- If the family includes a person with disabilities, notice that PHA will provide assistance in locating accessible units and a list of available accessible units known to PHA.
- Family Obligations under the program.

Grounds for termination of assistance because of family action or failure to act.

- PHA informal hearing procedures, including when PHA is required to offer an informal hearing and how to request the hearing.
- Owner/tenant handbook, sample HQS inspection checklist, and sample HAP contract.
- Procedures for notifying PHA and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.
- Requirements for reporting Changes that occur between certifications.

Other Information to be Provided at the Briefing [24 CFR 982.301]

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and PHA, and PHA and the owner.

The briefing emphasizes:

- Family and owner responsibilities.
- Where a family may lease a unit inside and outside its jurisdiction (portability).
- Advantages to moving to an area with a low concentration of low-income families.
- Explanation of rent restrictions established by the Fair Market Rent.
- Choosing an apartment carefully.
- Amount of the Security Deposit

Household Obligations under the Section 8 Program

Generally, under the Section 8 Program, the relationship between tenant and landlord are the same as in the private housing market. However, once a household receives a Section 8 Voucher, she/he has the following additional obligations:

- Turn in proper forms to the PHA within the Voucher

period so that the unit may be approved;

- Keep appointments set by the PHA for determination of continued eligibility;
- Notify the PHA in a timely manner of changes in household composition and certain types of changes in income;
- Notify the PHA in writing prior to moving from their unit.
- Other obligations of the family, as specified under Termination of Assistance.

Security Deposit Requirements

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

B. TERM OF VOUCHER [24 CFR 982.303,982.54]

During the briefing session, each household will be issued a Voucher (valid for 60 calendar days), which represents a contractual agreement between PHA and the family and specifies the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective. The family is responsible for searching a unit. If the family finds a unit, and the owner is willing to lease it under the program, the family may request PHA approval to lease the unit. Although the screening and selection of tenants will remain a function of the owner, at any moment the Puerto Rico Department of Housing also may elect to screen applicants in accordance with any HUD requirements. (QHWRA §545: §8(o)(6)(B)). The PHA has the discretion

to permit a family to submit more than one request at time. The family must submit to the PHA a Request for Lease Approval and a Copy of the Proposed Lease during the term of the voucher.

Expirations

The Voucher is valid for a period of 60 calendar days from the date of issuance. The family must submit a Request for Lease Approval within the 60-day period unless an extension has been granted by PHA.

If the Voucher expires and is not extended by PHA, or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, it may remain as a participant in the unit if there is an assisted lease/contract in effect.

Suspension of the Term of the Voucher

When a Request for Lease Approval (RFLA) is received, the term of the Voucher will be suspended until a lease and contract have been executed for the unit or PHA determines that leasing the unit is not feasible. An RFLA cannot be suspended for more than sixty (60) days. If the unit cannot be leased, PHA will Change the expiration date on the Voucher and provide the family the same number of search days which remained in the term on the date the RFLA was submitted.

Extensions

The family must submit a Request for Lease Approval and a Copy of the Proposed Lease within the 60 day period, unless an extension has been granted by the PHA.

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

If the family needs and requests an extension of the initial voucher term as a reasonable accommodation, in accordance with 24 CFR part 8, to make the program accessible to an usable by a family member with a disability:

- The PHA must extend the term of the voucher up to 120 days calendar from the beginning of the initial term;
- The HUD field office may approve an additional extension of the term.

C. Assistance to Families Who Claim Discrimination

Fair Housing Laws and anti-discrimination

The PHA must complies with Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973 and Title of the Americans with Disabilities Act.

Families may claim that illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance under the program.

The PHA must provide the family with the HUD Discrimination Complaint Form and will direct the family to report suspected discrimination to HUD. If HUD Fair Housing makes a finding of discrimination against an owner, the PHA may restrict the owner from future participation.

The “take-one, take-all” provision is permanently repealed. This provision required that an owner who entered into a Section 8 housing assistance payment’ (HAP) contract on behalf of any tenant in a multifamily housing project could not refuse to lease otherwise affordable units in all multifamily projects of the owner if the reason for the refusal was that the family was a certificate or voucher holder. Thus no discrimination can be claimed using said provision

11- REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

After families are issued a Voucher, they may search for a unit anywhere within the jurisdiction of PHA. Applicant's must submit to the PHA prior to the expiration of the voucher a Request for Lease Approval Form, signed by both (owner and voucher holder) and a copy of the proposed lease which is not to be executed by either party until the PHA approval. The family must find an eligible unit under the program rules with an owner/landlord who is willing to enter into a Housing Assistance Payments (HAP) contract with PHA. This part defines the types of eligible housing and PHA policy regarding initial inspections, lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RFTA).

A. INFORMATION TO OWNERS [24 CFR 982.307,982.54]

PHA will provide prospective owners with the address of the applicant and the names and addresses of the current and previous landlords, if known. PHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

PHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

PHA will provide the following information if requested regarding a family's tenancy history for the past three years based on documentation in its possession:

- Eviction history
- Damage to rental units
- Other aspects of tenancy history; including complaints from

neighbors or landlords

- Drug related criminal activity by family members

The information will be provided orally and/or in writing. Only the Executive Director or designee may authorize release of this information. PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

B. REQUEST FOR TENANCY APPROVAL [24 CFR 982.305]

The RFTA and a copy of the proposed Lease must be submitted by the family during the term of the Voucher.

PHA will require a voided RFTA prior to issuance of another RFTA.

Approval of RFTA

PHA will review the RFTA to determine whether or not it is approval. The PHA may not give approval for the family to lease a unit or execute a HAP contract until the PHA has determined that all the following program requirements are met:

- Unit is an eligible type of housing.
- Unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan).
- Rent is reasonable (see Part XII).

Owner is approval, and there are no conflicts of interest

- Owner is represented by an agent to act on his or her behalf, then both the owner and agent will be required to sign the RFTA, HUD contract, and lease agreement, subsequently making them both responsible for fulfilling the provisions of the HUD contract and lease agreement.
- After receiving the family's Request for Approval to lease a unit the PHA must promptly notify the family and owner whether the assisted tenancy is approved.
- If the PHA gives approval for the family to lease a unit, the owner and the PHA shall proceed to execute the HAP contract.

Actions Before Lease Term

All of the following must always be completed before of the lease term:

- (1) The PHA has inspected the unit and has determined that the unit satisfies the HQS;
- (2) The landlord and the tenant have executed the lease, and
- (3) The PHA has approved leasing of the unit in accordance with program requirements.

When HAP Contract is Executed

The PHA must use best effort to execute the HAP contract before the beginning of the lease term The PHA contract must be executed no later than 60 calendar days from the beginning of the lease term.

The PHA may not pay any housing assistance payment to the owner until the

HAP contract has been executed.

If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the PHA will pay housing assistance payments after the execution of the HAP contract (in accordance with the term of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

Any HAP contract executed after the 60 day period is void, and the PHA may not pay any housing assistance payment to the owner.

C. SEPARATE AGREEMENTS

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by PHA.

Any appliances, services or other items routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item. Non-payment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and

not a substitute for higher rent, PHA will not disapprove such charges as part of the owner/tenant agreement to lease the unit.

All agreements for special items or services must be attached to the lease approved by PHA. If agreements are entered into at later date, they must be approved by PHA and attached to the lease.

D. RENT LIMITATIONS

Prior to execution of a HAP contract, PHA must approve the Rent to Owner. (See Part XII, "Rent Reasonableness").

PHA must also determine whether the tenant rent meets HUD's affordability standard. As described above, assistance will be approved only if:

- The initial rent to owner exceeds the payment standard but the total tenant payment is within 40% of the family's adjusted monthly income.
- The gross rent (rent to owner plus tenant paid utilities) is at or below the payment standard

Disapproval of Owner by PHA

The PHA must not approve a unit if the PHA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

When directed by HUD, the PHA must not approve a unit if:

- (1) The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other

federal equal opportunity requirements and such action is pending, or

(2) A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

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

(1) The owner has violated obligations under a housing assistance payment contract under section 8 of the 1937 Act (42 U.S.C. 14371).

(2) The PHA may refuse to enter into new Section 8 HAP contract with owners who refuse or have history of refusing to evict families for drug related problems or any violent criminal activity or for activity that threatens the health, safety or right of peaceful enjoyment of the premises by tenants, PHA employees or owners employees or the residences by neighbors.

(3) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

(4) The owner has engaged in drug trafficking (the illegal manufacture, sale or distribution or the possession with intent to manufacture, sell or distribute, of a controlled substance as defined in section 102 of the controlled Substances Act (21 U. S. C. 802).

(5) The owner has a history or practice of non compliance with the HQS for units leased under the tenant based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing programs.

(6) The owner has a history or practice of renting units that fail to meet State or local housing codes; or

(7) The owner has not paid State or local real estate taxes, fines or assessments.

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

Nothing in this rule is intended to give any owner any right to participate in the program. For purpose of this section “owner” include a principal or other interested party.

E. POLICY ON DENIAL OR TERMINATION OF ASSISTANCE

PHA may deny assistance for an applicant or terminate assistance for a participant under the programs because of the family’s actions or failure to acts as describes in 24 CFR 982.552 and 982.553. The following provisions do not affect denial or terminations of assistance for the grounds others than action or failure to act by the family.

Denial of assistance for applicants means any all the followings:

1. Denying listing on the PHA waiting list, denying or withdrawing a voucher refusing to enter into a HAP contract or approve a lease, and refusing to process or provide assistance under portability procedures.

Termination of assistance means any or all of the followings:

2. Refusing to enter into a HAP contract or approve a lease, terminating

housing assistance payments under an outstanding HAP contract, and refusing to process or provide assistance under portability procedures.

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

F. Grounds for Denial or Termination of Assistance

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

1. If the family violates any family obligations under the program (See 24 CFR 982.551).
2. If any members of the family has ever been evicted for public housing.
3. If an PHA has ever terminated assistance under the voucher program for any member of the family.
4. If any member of the family commits drugs-related criminal activity, or violent criminal activity (See 24 CFR 982.553).
5. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
6. If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or Public Housing Assistance under the 1937 Act.

7. If the family has not reimburse any PHA for amounts paid to an owner a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
8. If the family reaches an agreement with the PHA to paid amount owed to an PHA or amounts paid to an owner by PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreements to pay amounts owed to an PHA or amounts paid to an owner by an PHA. The PHA may prescribe the term of the agreement).
9. If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

“Abusive or violent behavior toward PHA personnel” included verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other languages, written or oral that is customarily used to insult or intimate, may be cause for termination or denial.

“Threatening” refers to oral or writing threats or physical gestures that communicate an intent to abuse or commit violence.

PHA Discretion to Consider Circumstances

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extend of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were involved in the action or failure.

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

The PHA must deny or terminate assistance if any member of the family fails to sign and submit consents forms for obtaining information in accordance with 24CFR part 760 and 24 CFR part 813.

12- HOUSING QUALITY STANDARDS AND INSPECTIONS

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and at least annually during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract. PHA will inspect each unit under contract at least annually. PHA will also perform a quality control inspection of at least five percent of all units under contract annually to maintain PHA's required standards and to ensure consistency.

These minimum Standards may be enhanced by the PHA, provided that by doing so, the PHA does not overly restrict the number of units available for lease under the program. The use of the term “HQS” in this Administrative Plan refers to the combination of both HUD and PHA requirements. This Chapter describes the PHA’s procedures for performing HQS and other types of inspections, and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family and the consequences of non-compliance with HQS requirements for both families and owners.

A. General Purpose

The PHA is required by HUD regulations to inspect the unit to ensure that it is “decent, safe, and sanitary” according to Housing Quality Standards.

The PHA has adopted additional local requirements of acceptability defined below.

No unit will be initially placed on the Section 8 Housing Choice Voucher Program unless these standards are met. Units must also meet the Housing Quality Standards as long as the family is on the program.

There are five types of inspections the PHA will perform:

1. **Initial/Move—in:** Conducted upon receipt of Request For Lease Approval.
2. **Annual:** Must be conducted within 12 months of the anniversary date.
3. **Special/Complaint:** At request of owner family or an agency or third—party.
4. **Move-Out/Vacate:** At landlord or tenant request or if a claim is to be submitted for contracts effective before 10/2/95 only.
5. **Quality Control:** A quality control inspection will be conducted for five percent of all units which have been inspected.

The Housing Quality Standards take precedence over local housing codes and other pertinent codes.

B. Acceptability Criteria and Exceptions to HQS

The PHA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet with the following exceptions:

- One smoke detector per unit per floor and one in common hall in uppermost floor of a two or more story structure will be required.

The standard for bedrooms for Fair Market Rent purposes only (not to determine sleeping rooms) is:

1. A bedroom must have a floor area of not less than 70 square feet.
2. The minimum bedroom ceiling height must not be less than seven (7) feet six (6) inches unless the room is under a slopping roof Rooms under slopping roofs must slope to no lower than five (5) feet.

3. Access to any required exit of a room or suite of rooms designated as bedrooms for these purposes must be provided without passing through a bathroom, toilet room or another bedroom.
4. At least one smoke detector must be installed in every multiple dwelling unit. The detector must be installed on the ceiling and at least four inches from any wall or on a wall located from four to twelve inches from the ceiling, and within 15 feet of all rooms used for sleeping purposes. There must be at least one detector for each level on which a room used for sleeping purposes is located.
5. Every room used exclusively as a bedroom shall have access to at least one bathroom without passing through another room used exclusively as a bedroom.
6. Each bedroom must provide natural ventilation through a window, skylight, transom or other opening.
7. Partitions separating rooms used for bedrooms from other rooms must be of one hour-fire-rated construction.

C. Inspections

The PHA conducts an inspection in accordance with Housing Quality Standards at least annually, up to 90 days prior to the anniversary month of the contract. Special inspections may be scheduled between anniversary dates. HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail which the tenant is responsible. The family is only responsible for breaches of HQS which are caused by:

- Non-payment of utilities paid by the family,

- Not providing or failing to maintain, appliances not provided by the owner, and
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear.
- The family must allow the PHA to inspect the unit at reasonable times with reasonable notice. 24 CFR 982.51(d).
- Inspections will be conducted on business days only.
- Reasonable hours to conduct an inspection are between 9:00 a.m. and 5:00 p.m.
- The PHA will notify the family in writing at least three days prior to the inspection

Inspection: The family and owner will be notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within five days.

If the family does not contact the PHA to reschedule the inspection, or if the family misses two inspection appointments, the PHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Reinspection: The family and owner are mailed a notice of the inspection appointment by mail. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement

(in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The family is also notified that it is a family obligation to allow the PHA to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 15, "Denial or Termination of Assistance," they will be advised of their responsibility to correct.

D. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401, 982.405]

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service and appliances in the unit at the initial inspection. If the utilities are not in service at the time of inspection, the Housing Counselors will notify the tenant or owner (whoever is responsible for the utilities according to the RFLA) to have the utilities turned on. The owner and tenant will both certify that the utilities are on.

If the unit fails the HQS inspection, the family and owner will be advised to notify PHA once repairs are completed. The owner will be given up to 30 calendar days to correct the deficiencies identified depending on the amount and complexity of work to be done.

When the inspection has been completed, the owner and the family will be informed in writing of any items which failed to meet HQS standards and must be repaired or replaced and of the date on which PHA will re-inspect to certify completion of the required work.

Any repairs not completed will cause abatement in Housing Assistance Payment. The inspection letter will stipulate the last day the unit qualified for payment. The

Housing Assistance Payment will be prorated appropriately.

Time Standards for Repair

1. Emergency items which endanger the family's health or safety must be corrected within 24 hours of notification. (24CFR 982.401 (a)).
 - a. The following items are considered to be of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector. This is not means to be an exclusive list, and other items may constitute an emergency at the discretion of the inspector if they appear to present an immediate threat to the health or safety of the family.
 - Lack of security for the unit
 - Waterlogged ceiling in imminent danger of falling
 - Major plumbing leaks or flooding
 - Natural gas leak or fumes
 - Electrical problem which could result in shock or fire
 - Utilities not in services
 - No running hot water
 - Broken glass where someone could be injured
 - Obstacle which prevent tenant's entrance or exit
 - Lack of functioning toilet

The PHA may give a short extension (not more than 24 additional hours) whenever the responsible party cannot be notified or it is impossible to effect the repair within the 24-hour period. In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to effect the repair, proper authorities will be notified by the PHA.

If the emergency item(s) are not corrected in the time period required by the PHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and it is an HQS breach which is a family obligation the PHA will terminate the assistance to the family and the owner's payment will not be abated for the breach of HQS.

For non-emergency items, repairs must be made within 30 days calendar.

For major repairs, the Housing Counselor may approve an extension beyond 30 days calendar.

E. Consequences if Owner is Responsible (Non-Emergency Items)

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the PHA, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner, and the full amount of assistance will be abated effective on the first of the month following such a notice.

If the owner makes repairs during the abatement period, payment will resume on the first of the month following the unit passing inspection. The family and owner will be notified of the re-inspection date.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the PHA's portion of rent that is abated.

Extensions

The PHA may grant an extension in lieu of abatement in the following cases:

- Owner has a good history of HQS compliance.
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed 60 days calendar. At the end of that time, the PHA will begin the abatement or termination of assistance for tenant caused damage.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abated rental period, the owner will be sent a HAP Contract Proposed Termination notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the PHA if the tenant chooses to remain in the unit. Only one Housing Quality Standards inspection will be conducted after the termination notice is issued.

F. Determination of Responsibility 24 CFR 982.404 & 982.54(d) (14)

Certain deficiencies are considered the responsibility of the family, such as:

- Tenant-paid utilities not in service.
- Failure to provide or maintain family-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

“Normal wear and tear” is defined as items which could not be charged against the tenant’s security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family’s living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The PHA may terminate the family’s assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection. The owner or tenant may appeal this determination to a mediator within ten days of the inspection.

If the family is responsible but the owner carries out the repairs, the owner must bill the family for the cost of the repairs and the family’s file will be noted.

G. Consequences if Family is Responsible

If non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family make any repair(s) or corrections within 30 days calendar. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family. Extensions in these cases must be approved by the Section 8 Program Director. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

H. Initial HQS Inspection

The Initial Inspection will be conducted to:

1. Determine if the unit and property meet the HQS defined in this Plan.
2. Document the current condition of the unit as a basis to evaluate whether the future condition of the unit exceeds normal wear and tear.
3. Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the family and owner will be advised to notify the PHA once repairs are completed.

On an initial inspection, the owner will be given up to 30 days calendar to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to two re-inspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family must select another unit.

In order for a HAP Contract to be executed for the first of a given month, the unit must pass inspection by the 20th of the preceding month. This is to allow time for preparation of lease and contract paperwork, as well as preparation of an owner HAP check for the new contract.

I. Annual HOS Inspection

Rent Increases

The PHA will conduct an inspection using the Housing Quality Standards and other standards approved in this Administrative Plan at least annually, prior to the anniversary month of the contract. Rent increase requests in the Voucher Program will not be approved if the unit is in a failed condition.

J. Special Complaint Inspections

If at any time the family or owner notifies the PHA that the unit does not meet Housing Quality Standards, the PHA will conduct an inspection.

The PHA may also conduct a special inspection based on information from third parties such as neighbors or public officials. The PHA will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the anniversary date is within 90 days of a special inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

K. Quality Control Inspections

Quality Control inspections will be performed by the Section 8 Program Director on at least five percent of the units of each inspector. The 5% sample will be drawn from recently completed HQS inspection (performed during 3 months preceding the inspection). The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

Initial HQS Inspection Deadline

The PHA must conduct initial HQS inspections within 45 days of the owner's inspection request. SEMAP evaluation must incorporate this PHA performance standard.

L. Housing Quality Standards Complaints

General Policy

The units have to be inspected at least annually, using Housing Quality Standards.

If the tenant or owner complains that the unit does not meet Housing Quality Standards, the PHA will conduct an inspection.

The staff has to inspect only the items that the tenant or owner are

complaining about, but if other fail items are noticed during the inspection, the staff must also note those items and require the owner to repair the failed items.

HQS fails must be corrected by the owner, even if they were caused by the family. Fall items such as a knob missing off a tenant's stove or electricity that doesn't work because the utilities were shut off because the tenant didn't pay the bill also must be corrected by the owner.

The owner must be given time to correct the failed items. There are three guidelines to use:

1. If the item endangers the family's health or safety (using the emergency item list above), the owner must be given 24 hours to correct the violation.
2. For serious fails, there will be a five (5) daytime limit for repairs.
3. For less serious failures, the owner must be given up to 30 days to correct the item(s).

If the owner fails to correct failed items, after she/he has been given a reasonable time to correct the items, the payment must be abated or that HAP Contract must be terminated.

Emergency Repair Items

The following items are to be considered of an emergency nature and are to be corrected by the owner within 24 hours of notice by the Inspector:

- No electricity or running water
- Major plumbing leaks or flooding (such as from sewer stoppage or backup)

- Any electrical outlet, switch, stationary light fixture, fuse box or circuit breaker that smokes, sparks or short circuits, creating a fire hazard.
- Broken lock on first floor windows or doors accessible to the outside of the dwelling unit.
- Uninhabitable units due to fire, storms, destroyed or vandalized property that prevents a tenant from using time bathroom or kitchen or from entering the dwelling unit.

Five Day Fails

- Obstacle which prevents tenant's access to unit such as vicious animals or landlord lockouts.
- Missing or non-working stove or refrigerator
- Collapsed ceiling

HAP Contract Termination

If the owner fails to correct all the items cited within thirty days, the Contract will be terminated.

Once the HAP Contract is terminated (with a thirty days notice prior to the first of the month), it will not be reinstated. The tenant will be given a new Voucher to move (even if they caused the Housing Quality Standards violation).

When the Housing Assistance Payments Contract of the Voucher Subsidy Contract is terminated for Housing Quality Standards violation(s), and the termination notice runs out, it cannot be reinstated. If repairs are done before

the effective termination date, the termination can be rescinded if the tenant chooses to do so.

After the HAP Contract notice has been given, only one more Housing Quality Standards inspection will be conducted.

If the item which caused the unit to fail has been corrected during this termination period and the inspector notes additional new findings at that inspection, the HAP Contract termination will be rescinded and the landlord will be notified of the new findings with new time-frames according to the Administrative Plan

Responsibility of the Family to Allow Inspection

The PHA must be allowed to inspect the unit at reasonable times with reasonable notice. The family is notified of the inspection appointment by mail or phone. If the family is not able to be at home, the family must call to reschedule the inspection or make arrangements to have an adult family representative or the landlord present.

If the family misses the inspection appointment and does to arrange for the representative or the landlord to be there, one more inspection (or re-inspection) appointment will be scheduled. If the family misses two inspection appointments, the PHA will consider the family to have violated a family obligation and their assistance will be terminated, following the termination of assistance procedures.

13. LEASE APPROVAL AND HAP/VOUCHER CONTRACT EXECUTION

A. Documents Submitted

The PHA shall require the owner to use a sample lease provided by the PHA.

The family shall be required to turn in the Lease and Request for Lease Approval prior to the expiration of the Voucher.

Owners must provide their current address of residence or business (not Post Office box). Families may lease properties owned by relatives. Where this occurs, it will be compared to the subsidized unit address.

Owners must also submit proof of ownership of the property on the notarized Affidavit of Ownership form. The Management Company's name, if applicable, will be noted on the Affidavit and on the Dwelling Unit Inspection Booklet.

At the PHA's discretion, additional proof will be required of owners.

B. Fair Market Rent Limitations and Payment Standard

The Gross Rent for a Voucher Program unit shall not exceed the Fair Market Rent (FMR) applicable for such unit on the date of lease approval. For the voucher program the Payment Standard is equivalent to the 90% of the FMR.

Process for Establishing and Revising Payment Standards

Payment Standard means the maximum monthly subsidy for a family. In the voucher program, such subsidy should range from 90 percent to 110 percent of the current FMR/exception rent limit. That is, the PHA may adopt a payment

standard up to the FMR exception rent limit (see period publications on FMR exception rent limit in the *Federal Register*, in accordance with 24 CFR Part 88).

Voucher Payment Standard Schedule

The PHA must adopt a Payment Standard Schedule that establishes payment standards for the PHA voucher program. For each Fair Market Rent (FMR) Area and for each Exception Rent Area, the PHA must establish voucher payment standard amounts by unit size (i.e., zero bedroom, one-bedroom, etc.). The payment standard for each unit size may not be:

- (a) More than the current FMR exception rent limit; or
- (b) Less than 90 percent of the current FMR exception rent limit, unless approved by HUD.

A Voucher Payment Standard Schedule is a list of payment standard amounts used to calculate the assistance payment for each unit size in a FMR area. The schedule for an FMR Area includes payment standard amounts for any HUD-approved Exception Rent Area in the FMR Area.

The schedule establishes a single payment standard amount, not to exceed the current FMR/exception rent limit and not to be less than 80% of the current FMR exception rent limit, unless approved by the PHA.

Within the limits described above, the PHA, at its discretion, may adjust annually the amounts of the standard payments, if necessary to assure continued affordability of units in the PHA jurisdiction.

C. Lease Approval/Disapproval

After the PHA has reviewed the Request for Lease Approval and Lease, certified and documented rent reasonableness, conducted an inspection and the passed the unit, checked the unit against the Fair Market Rent and found it to be less or approved and Exception Rent, the PHA approves the lease.

If the PHA determines that the lease cannot be approved for any reason, the landlord and the family will be notified and the reasons provided.

If the lease does not meet the PHA's requirements, the PHA will explain the problems to the owner and suggest how they may be corrected by a specific date. This period will generally be within 15 calendar days (this does not include HQS approval or disapproval which will only be done after the owner is given a reasonable period to make the repairs).

If the proposed Gross Rent exceeds the FMR, the PHA will discuss with the landlord the possibility of either reducing the Contract Rent or including some or all of the utilities in the Contract Rent or, if the unit is determined to be rent reasonable and Exception Rent authority is available, will grant an Exception Rent.

If the owner accepts the offer of a revised rent, the PHA will continue processing the Request for Lease Approval and Lease.

If the owner does not agree on the contract rent, after the PHA has tried and failed to negotiate a reviewed rent, the PHA will inform the tenant that the lease is disapproved. The tenant should continue to locate eligible housing if his/her Voucher is still valid.

If the unit fails inspection, the PHA will provide the landlord with a detailed list of items that must be corrected and provide the landlord a reasonable period of time to make the repairs.

D. HAP Contract Execution

Prior to HAP Contract execution, the PHA will reconfirm the family's composition and critical information about income and allowances.

The information regarding changes will be verified and the Total Tenant Payment will be recalculated.

When the lease approval process is completed, the PHA will notify the landlord and the family of the lease approval or disapproval.

If the lease is approved, the PHA will prepare the HAP Contract.

To prepare the documents, the PHA will compute the Total Tenant Payment, Tenant Rent, Utility Reimbursement (if any), the Housing Assistance Payment, and the Security Deposit.

Once the leasing documents are prepared, the PHA will get the documents executed by the family, owner, and the PHA, as appropriate, and send appropriate copies to each party.

The PHA may offer a Signature Briefing, especially where new owners are involved, to be attended by the owner and tenant, where responsibilities of both parties will be discussed prior to signing of the lease and contract.

E. Cash Management Procedure to Minimize the Time Elapsing between the Transfer of Funds from the U. S. Treasury and the Disbursements

The PHA must make housing assistance payments (HAP) to the owner in accordance with the terms of the HAP contract. The payments are to be made monthly, at the beginning of each month, during the lease term and while the family is residing in the unit. (Ref. 24 CFR 982.451 & Housing Choice Voucher Program Guidebook 7420.10 G, Chapter 11: HAP Contracts).

Any payment adjustments should be made as establish on the Section 8 Housing Choice Program Administrative Plan (Chapter 16: Interim Re-Certification) of the Municipality of Cabo Rojo.

The Section 8 Office prepares the disbursement vouchers and sends them to the Finance Office, for the corresponding signatures, on or before the 20th day of each month for the following month housing payments. The disbursement vouchers establish the amount that will be paid on behalf of the owners and tenants. After they are signed, the data is entered into a computer system.

When the U.S. Treasure deposited the funds on the program account, the deposit transaction is confirmed by fax with the bank's authorized person, an official receipt is made to recognize it and then the checks are printed.

A new document called pickup or mailing check register is set to record the date of payment. The office will ask by mail whether the owners and tenants want to receive the check through mail or pick up it at the Finance Office. Those who choose to pick the check at the municipality: will have to do it in the time frame established by the office. After the second failure to comply with this time frame, automatically the check will be mailed with all other rent and negative rent payments.

14- OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

PHA is responsible for ensuring that the rents charged by owners are reasonable based upon objective comparable in the rental market. PHA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS and that the rent is reasonable. PHA will determine rent reasonableness at initial lease-up, before any increases in rent to owner, and at other times as described in this section. PHA will provide the owner with information concerning rent adjustments.

This part explains PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.503]

PHA will not approve a lease until PHA determines that the initial rent to owner is a reasonable rent. PHA will re-determine rent reasonableness whenever an owner requests a regular or special contract rent adjustment for the program or any increase in the rent for a Voucher unit. PHA must also re-determine rent reasonableness if: (1) there is a 5% 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; and (2) if directed by HUD); and (3) based on a need identified by PHA's auditing system.

PHA may elect to re-determine rent reasonableness at any other time. 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 PHA.

PHA will determine and document on a case-by case basis that the approved rent:

- Is reasonable in comparison to rent for other comparable, unassisted units in the market; and
- Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex.

At least three (3) comparable units will be used for each rent determination, one of which must be from the first category above if possible. All comparable must be based on the rent that the unit would command if leased in the current market. Leased in the current market means that the unit has been leased within the last 365 days.

The data for other unassisted units will be gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys, internet, knocking on doors of units in the neighborhood of assisted unit and asking questions and other available sources.

The market areas for rent reasonableness are indicated by zip code and census tract (subdivisions or neighborhoods) within PHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:

- Size
- Number of Bedrooms
- Facilities
- Location
- Number of Bathrooms
- Quality
- Amenities
- Date Built
- Unit Type

- Management and Maintenance Services
- Utilities

The PHA maintains a notebook which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than twelve months old.

Data on comparable will be entered into the PHA computer module used to assist in comparison of units, and the computer will be used to select the most comparable of all units in the database. A rent comparison and rent reasonableness determination will be made using the units selected from the database.

PHA will update information in the computer database periodically and will not use information that is more than twelve (12) months old when making rent reasonableness determinations.

At least three (3) comparable of unassisted units will be used for each rent determination. All comparable must be based on the rent that the unit would command if leased in the current market. A form with the comparison units will be included in the tenant file. Leased in the current market means that the unit has been leased within the last 365 days.

PHA reserves the right to conduct rent reasonableness determinations on units assisted under the program at any time. In such instances, owners will be informed of the re-determination, and notification in accordance with the HAP Contract will be made for any change in approved rent.

Note: Actually, the PHA determines the rent reasonableness in accordance with the Fair Market Rent established by HUD in the jurisdiction.

B. VOUCHER PROGRAM PAYMENT STANDARDS [24 CFR 887.351 & 24CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. The Payment Standard is set by PHA between 90% and 110% of the HUD-published FMR for the PHA jurisdiction as established by QWHRA. The PHA will review the appropriateness of the Payment Standard annually when the FMR is published in determining whether a change is needed, PHA will ensure that the Payment Standard is within 90% to 110% of the new FMR.

Adjustments to Payment Standards [24 CFR 887.209, 887.351]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families rents affordable. PHA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced, nor will PHA raise Standards if the need is solely to make high end units available to voucher holders.

PHA will consider some or all of the circumstances described below in determining whether an adjustment should be made to the Payment Standard:

Availability of Suitable Vacant Units Below the Payment Standard: PHA will review its rent reasonableness and vacancy rate data to determine whether there is an ample supply of vacant units below the Payment Standard in areas without minority and/or poverty concentration.

Quality of Units Selected: PHA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

Financial Feasibility: Before increasing the Payment Standard, the PHA may review the budget and the project reserve to determine the impact projected subsidy increases would have on funding available for the program and number of families served. For this purpose, PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards and will perform annual review at time of annual budget report.

File Documentation: A file will be retained by PHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

C. EXCEPTION PAYMENT STANDARDS [982.503]

PHA may request HUD approval to establish a Payment Standard that is higher than 110% of the FMR or lower than 90% of the FMR for a designated area of the city. The PHA will submit a request for a lower payment standard if it determines that a lower payment standard is justifiable based on market data from that area and establishing a lower standard would enable PHA to provide housing assistance to more families.

PHA will request a higher (exception) payment standard for all units, or all units of a given size, within a designated area of the city if it determines that a higher Payment Standard is needed to help families obtain housing outside areas of high poverty.

D. PAYMENT STANDARDS FOR A FAMILY [24 CFR 982.505]

Regular Re-examination

If the payment standard decreases during the HAP Contract term, the Payment

Standard for the family is the higher of: (1) the Payment Standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased; or (2) the Payment Standard at the current or most recent annual exam. If a Change in family size or composition occurs affecting the voucher size, the ability to use the initial Payment Standard is lost.

Interim Examination

If after the beginning of the term of the lease, the family has a change in income, family size or composition that would require or allow for an interim adjustment based on PHA's interim policy, PHA will not apply any change in payment standard until the date of the next regular reexamination.

Moves

If the family moves into a different unit prior to its next re-certification and PHA has had a change in the payment standard, the new payment standard will be used. The applicable payment standard will be that which is the lower of either the voucher size issued or the unit size selected at the time of the move.

E. RENT ADJUSTMENTS [24 CFR 982.519]

PHA will notify owners of their right to request a rent adjustment 120 days calendar in advance of the anniversary date.

The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination.

Owners must request the rent increase in writing. Any increase will be effective the later of: (1) the anniversary date of the Contract; or (2) at least 60 days after the owner's request is received. To be honored, requests must be received at least

60 days prior to the next anniversary date. Rent adjustments requested by landlords will be processed as indicated in Section 982.509, Federal Register, April 30, 1998, page 23863.

Special Adjustments [24 CFR 982.52]

An owner with a unit under contract in the regular Voucher Program may request a special adjustment based on substantial and general increases in real property taxes, special government assessments, or costs of utilities. The rent requested must be found to be reasonable and must be approved by HUD.

15- ANNUAL ACTIVITIES

There are three (3) activities the PHA conducts on an annual basis. These activities will be coordinated whenever possible:

- Annual Re-certification of Income
- Annual HQS Inspection
- Contract Rent Increase by Owner

The PHA maintains a listing of units under contract by month to ensure systematic reviews of contract rent, allowances for utilities and other services, and housing quality in accordance with the requirement of annual reexamination. Monetary changes will take effect in the next rental payment.

Requests from families for reviews and/or inspections of units are handled in a timely manner. If the quality control check of files reveals a need for a special review, one is promptly performed. Files which have been marked “unstable” because of fluctuating family circumstances are reviewed regularly until the situation stabilizes.

The PHA will have a standard of quality control checking at least 5% of the files for units under contact.

A. Annual Re-Certification

Families will be requested to provide information on income, assets, allowances and deductions, and family composition at least annually.

Annual re-certifications for mid-month move-ins (e.g. September 15th) will be conducted no later than the following year by the first of the move-in month (e.g. September 1st.).

When families move to another dwelling unit, an annual re-certification will be scheduled.

Income limits will not be used as a test for continued eligibility at re-certification.

If, instead, the family comes into the PHA's office to report a change which results in an increase or decrease, other than in response to an annual re-certification, it will be considered an interim adjustment.

1. Reexamination Notice to the Family

The PHA will maintain a reexamination tracking system and at least 90 days in advance of the scheduled annual reexamination effective date, the PHA will give a packet of documents to the family. Documents included in the packet include:

- The application form
- Instruction sheet
- Blanket authorization and certifications to the family with verification forms documenting income from prior year
- Asset forms
- School attendance form
- Medical/children handicap assistance forms
- Additional forms, if necessary, from the information returned

If the family does not respond to the initial notice within 15 calendar days, the PHA will send a follow up letter, requesting the family to come into the office.

If the family does not respond to the follow up letter within 15 calendar days, the PHA will send a Termination of Assistance Notice, giving the family 14 business days to request an Informal Hearing.

If the family responds to the Termination Notice within the fourteen business days by contacting the PHA, an Informal Hearing will be scheduled and

conducted by the PHA.

If the family does not contact the PHA within the time period for the Informal Hearing request, the PHA will send the Termination of HAP Contract with a 30 day notice, prior to the first of the month. Notice to the tenant and owner.

2. Verification of Information Provided

The PHA will send out third party verifications wherever possible. If third party verifications are not returned within a four week period, documents provided by the tenant may be used for verification.

3. Changes in Tenant Rent

When the information is analyzed, all necessary documents are prepared and signed by the tenant, and all other requirements have been met, the PHA will recalculate the tenant's portion of rent.

The PHA will notify both the owner and tenant of its determination and of the new rent to be paid by the tenant (and new Housing Assistance Payment to be by the PHA) if applicable.

If there is a rent increase, the new rent portion will go into effect following a full thirty day notice prior to the first of the month. (If there has been misrepresentation by the tenant, or if the tenant caused a delay in the reexamination processing, there may be an increase in rent made retroactively).

If there is a rent decrease, it will be effective on the scheduled effective reexamination date (unless the family has caused a delay in reexamination processing).

B. Annual HQS Inspection

Annual inspection requirements are described in the HQS chapter.

C. Rent Increase by Owner

Owners may not give rent increases in the Voucher Program prior to the end of the first term of the lease. As of the expiration of the first term of the lease, rent increases may be effective with a 60 day notice to the family and a copy to the PHA.

The PHA will advise the family as to whether the rent is reasonable and shall assist in the negotiation of the rent with the owner if requested by the family.

Documentation on comparable rents (at the level of the Voucher Program) will be maintained in Rent Reasonableness Books.

As part of the rent reasonableness documentation, the PHA will require the owner to provide a rent roll of units which shall consist of at the minimum, the apartment number, the bedroom size, the contract rent, and the utilities included in the rent. This shall be required in all buildings of two or more units. It shall be required at lease-up and every time the owner notifies the tenant of an increase in rent.

The PHA does not elect to approve all Voucher Program rent increases to Owner.

16- INTERIM RE-CERTIFICATION

HUD requires program participants to report all changes in household composition occurred between annual reexaminations within five (5) business days from the day of occurrence. This includes additions due to birth, adoption and court—awarded custody. The family must obtain PHA approval prior to all other additions to the household.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular re-certification alien moving into the unit.

Changes in family income will be reported by the participant family. Family's income must include income of all family members, including members not related by blood or marriage. If a new member is added, family income must include any income of the additional family member. The PHA must conduct a reexamination or determine such additional income, and must make appropriate adjustments in the housing assistance payment.

At any time, the PHA may conduct the interim reexamination of family income and composition.

At any time the family may request the interim determination of family income or composition because of any change since the last determination. The PHA must make the interim determination within a reasonable time after the family request.

A resident's monthly contribution to rent will not be decreased where a decreased in income is the result of noncompliance with the conditions of public assistance, or where public assistance is decreased due to an act of fraud by a member of a covered family. Neither a reduction of public assistance due to the expiration of a time limit for a family, nor inability to obtain a job after complying with welfare

work requirements, is considered non-compliance with the condition of public assistance. These requirements will not apply until the PHA receives written notice from the relevant welfare or public assistance agency specifying that a family's benefits have been reduced because of noncompliance with economic self-sufficiency program or work activities requirements, or fraud and the level of the reduction. The family may seek an administrative hearing for review of the PHA determination of family income, or the calculation of the family rent or housing assistance payment, in accordance with HUD requirements. The PHA must give the family written notice of the decision not to decrease the resident's monthly contribution to rent, with a brief explanation of the basis for its decision.

The PHA's responsibilities for re-examining family income and composition are specified in 24CFR part 5, subpart F.

A. Family Reporting of Change

Total Tenant Payment or Tenant Rent may be changed in addition to the reasons listed above if there is a change in the rent to owner which causes a change in Total Tenant Payment or Tenant Rent.

Other Interim Reporting Requirements:

- a. For families with zero income, reporting is scheduled every 30 days.
- b. For families where an error was made at admission or reexamination (family will not be charged retroactively for errors made by the PHA's personnel).
- c. For families whose rent has been based on false or incomplete information supplied by applicant.

B. Interim Re-examination Policy

When a participating family, due to unforeseen or temporary events, requests an adjustment in the family contribution, the documents submitted or the reasons will be verified by the Director.

The common reasons for a family to make this request are:

1. Loss of income or job.
2. Medical expenses(applies to elderly or disabled family only), childcare cost
3. Increase or reduction of family composition.

Interim recertification of income and change of family composition will be conducted by the housing staff within a responsible time after the family has made such request. When a tenant family informs any change not related to their annual re- examination, a form designated for the intake of this information by the Municipality, would be prepared and signed by the family.

After the interview, the following forms/documents are requested:

1. Signed consent to release information (if applicable)
2. Signed verification of income form (if applicable)
3. Change in family composition
4. Certification from the Labor Department if any member claims to be unemployed
5. Good Conduct Certification from the Police State Department
6. Any other document considered pertinent to accomplish the recertification process.

Upon filling out the recertification form, the PHA will request the aforementioned documents and scheduled a date with the participant family. This will allow the family to comply with the documents and the verification of information process in accordance with the 24 CFR part 5, Subpart F, Section 982.516.

The existing condition will be analyzed including a new computation of tenant rent in accordance with the federal regulations. A notification letter will be sent to landlord and tenant informing the changes (if applicable) and the date effectiveness.

C. Timely Reporting

1. Standard for Timely Reporting of Changes

The standard for reporting changes for interims (other than changes in family composition which are described below) in a timely manner is for the family to report the change by the end of the month in which the changes occurs.

If the tenant does not bring or mail the required information with him/her to the interview, she/he is asked to return with the documentation as soon as possible during that month. In addition, third party verification is sent out, verifying the change.

If the tenant does not return by the end of the month, the Total Tenant Payment is calculated when the verification is received, and it will be considered “untimely reporting” by the tenant.

However, if the change occurs within the last five working days of the month and the tenant cannot report it until after the first of the

next month, the change can be made effective on the first of the month following the change, with the Supervisor's approval. The exception can only be considered when the change is reported within five days after the day of the change.

The staff will make a note on the file when the tenant calls to report the change. If the tenant calls and the file was noted within the time-frames specified, it will be considered timely reporting. The tenant will be advised to complete the papers within five working days. The staff will allow 15 calendar days for collection of all information.

In this case, any decrease can be made retroactive to the first of the month following the change. The tenant will be given the customary 30 days notice (prior to the first of the month) for an increase.

The tenant will be required to sign a third party verification form, unless third party verification is impossible to obtain.

If the tenant does not return within the 15 calendar days, the Total Tenant Payment is calculated when either the third party verification or the document is received, and it will be considered "untimely reporting" by the tenant.

If the tenant does not comply with these procedures, the decrease cannot be retroactive to the first of the month.

2. Procedures when Changes are Reported in a Timely Manner

The PHA will notify the family and the owner of any change in the

Housing Assistance Payment to be effective according to the following:

- The family will always be given a 30 day notice prior to the first of the month for a rent increase. Increases in the tenant rent are to be made effective upon thirty days notice, prior to the first of the month, so that the change is always effective on the first of the month, rather than some date within the month.
- Decreases in the tenant rent are to be made effective the first of the month following that in which the change was reported. However, no downward rent adjustments are to be processed until all the facts have been verified, even if a retroactive adjustment results.

The change may be based on the documentation the tenant brought to the interview, followed up by the third party verification sent to the third party. Verbal confirmation by the tenant will not be acceptable.

If the tenant does not bring the information to the interview, the tenant will be requested to return with the documentation as soon as possible during that month.

Tenants may not waive the 30 day written notice for an increase.

3. Procedures when the Changes are not Reported in a Timely Manner

If the family does not report the change by the end of the month in which the change occurred or within the grace period described in

Section 1, the family will be determined to have caused an unreasonable delay in the interim reexamination processing.

- *Increased Tenant Rent:* The change will be effective retroactive to the date it would have been effective, had it been reported on a timely basis.
- *Decreased Tenant Rent:* The change will be effective on the first of the month following completion of processing by the PHA (not on a retroactive basis).

Deviation from normal effective dates is justified because of the tenant's failure to supply the required report.

The calculation is the same even if there was a change three or four years ago that the tenant did not report and should have. The change is retroactive to the original date even if they have been changing jobs every six months and have not reported their job income at reexamination.

A history has to be established to determine how much money the tenant owes the PHA.

If the tenant does not come in during the month the change occurred and comes in at the beginning of the following month, the decrease cannot be retroactive to the first of the month, since the change occurred and was reported after the first of the month (except for the circumstances of the change occurring on the last day of the month, as described in Section 1).

4. Procedures when Changes are not Processed by the PHA in a Timely Manner

“Processed in a timely manner” means that the change is effective on the date it would have been effective when the tenant reported the change in a timely manner.

If the change cannot be made effective on those dates allowed for timely reporting (including the retroactive requirements described above), using the required notice periods, the change is not processed by the PHA in a timely manner.

If the changes are not processed by the PHA staff in a timely manner, an increase will be effective within the required thirty days notice prior to the first of the month after completion of processing by the PHA.

If the changes resulted in a decrease, an overpayment by the tenant will be calculated retroactively to the date it should have been effective and check will be sent to the tenant.

5. Timing of Next Annual Re-certification

In the event there is an interim adjustment completed, the next regular reexamination will be scheduled within a year from the last effective date of the annual re-examination of family contribution.

6. Changes in Family Composition

All changes in family composition must be reported within 15 calendar days of its occurrence.

If an appropriate size voucher (same type of assistance they currently have) is available and the family member has been determined permanently absent (in accordance with policy regarding absence contained in this Administrative Plan) the change shall be made effective immediately for the voucher holder, the change shall be implemented at the next annual re-certification.

Otherwise, the family will be placed on a transfer list and will be offered a voucher when they reach the top of the transfer list and a voucher is available.

17- FAMILY MOVES

A. Family Moves

A participant family may move to a new unit with continued tenant-based assistance if:

1. The lease for the old unit terminated because:
 - a. PHA terminated it because of owner's breach of contract; or
 - b. Lease was terminated by mutual agreement of owner and tenant.
2. The owner has given the tenant a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant.
3. The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach or otherwise).

In the cases stated above, the PHA will give permission to move, offering the participant a new voucher, as long as:

- a. The family has not violated the family obligations listed in the HUD regulations;
- b. The family does not owe this PHA or another PHA;
- c. The family has not moved under portability within the last 12 month period.

- d. The family has not incurred in any of the grounds for denial or termination of assistance (see 24 CFR 982.552).
- e. The PHA have sufficient funding for continued assistance.

The Voucher will be issued when the family is ready to move from the unit, even if the verifications are not complete, except in the case of changes in family composition.

If the family finds a new unit, it will be considered a new move, which means that another reexamination will be conducted and a new inspection effective date will be set up, even if the last reexamination was conducted less than 12 month ago. The family will be provided a moving packet when a voucher is issued.

B. Notice that Family Wants to Move

Families are required to give 30 days notice to the owner only after the first term of the lease in order to be considered in compliance with the lease. If a family gives improper notice or no notice to the owner, a voucher must still be issued unless the family has violated a family obligation or there is another reason to deny assistance (See ground for Denial of Assistance, Chapter 10).

During the first term, families may enter into a mutual rescission of the lease with the owner and be in compliance with the lease. Therefore, if they do not give “proper notice” under the lease, it will be considered a lease violation.

If the family gives notice to the owner, the family must provide a copy of the notice to the PHA.

Violation of the lease is not a violation of the family's assistance. Therefore, no notice during the first term does not jeopardize their assistance and another voucher would be issued, unless they have violated a family obligation or there is another reason to deny assistance, as long as the family has notified the PHA in writing of their intention to vacate the unit.

If the family vacates the unit without notice to the PHA, it will be a violation of family obligation and the family's assistance will be terminated.

If the family vacates the unit without proper notice in writing to the owner, and does not notify the PHA, the family will be responsible for any vacancy loss incurred by the PHA (see below).

Briefing sessions emphasize the family's responsibility to give the owner and the PHA proper written notice of any intent to move.

The family must provide the PHA with written notice prior to vacating the unit.

Family Mobility and Portability

The PHA has the following policy in accordance with established existing Federal Regulation.

Initial PHA Responsibilities Under QHWRA

The Family Information Packet includes an explanation of how portability works with specific procedure which the family will need to follow in order to be allowed to port out.

Income eligibility of the family will be determined in accordance with established Federal Regulations as well as identify the receiving PHA if more of one PHA has jurisdiction. The family will be advised as to the low and when to contact the receiving PHA.

Receiving PHA Responsibilities Under QWHRA

The receiving PHA must perform all regular PHA functions and responsibilities as required by existing HUD regulations. Always use Part II of HUD form 52665 to report information pertaining to the family to initial PHA such as:

1. Initial billing and subsequent changes
2. Family leaves the program

Billing Issues Under Portability

The receiving PHA must meet the initial billing deadline by completing Part II of HUD 52665 and attach it to HUD 50058 within 10 working days as established by QHWRRA. Form 52665 will automatically requisition monthly amount due for each subsequent month. The initial PHA must make payments within 30 days calendar following receipt of said form unless each PHA agreed to a different schedule.

C. Policy on Family Break-Up

1. Split Household Prior Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or separation, and the new families both claim the same placement on the waiting list, and

there is no court determination, the PHA may consider the following factors when taking its decision:

- a. Which family member applied as head of household.
- b. Which family unit retains the children or any disabled or elderly members.
- c. Restrictions that were in place at the time the family applied.
- d. Role of domestic violence in the split.
- e. Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the PHA.

2. Split Household Post Voucher Issuance

The voucher may be retained by either household, if there is mutual consent. 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 PHA is bound by the court's determination of which family member continues to receive assistance in the program.

The PHA has discretion to determine which members of an assisted family continues to receive assistance if the family breaks up and becomes more than one household.

The PHA may consider the following factors when deciding what members, if any, would continue to be assisted:

- a. The desires of the parties involved.
- b. Which party retains the dependent children.
- c. To whom the Voucher was issued, if not jointly.
- d. Who stays in the unit.
- e. The role of domestic violence in the split. The person engaging in such violent conduct will not be eligible for continued assistance.

Documentation proving these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, the PHA will terminate assistance on the basis of failure to provide information necessary for a re-certification.

Where the breakup of the family also results in a reduction of the size of the voucher, the family will be required to move to a smaller unit if the current landlord is unwilling to accept the rent level of the smaller sized voucher.

D. Evictions

In the case of eviction, the owner must also give the tenant a notice to move.

However, the termination of the tenancy by the owner must be in accordance with the terms of the lease and contract.

- The owner can institute court action pursuant to the local law;
- The owner can try to obtain the consent and signature of the tenant if the owner wants to dissolve the lease.

Other actions may result in the tenant leaving such as:

- The owner may choose not to make repairs required by the Housing Quality Standards.
- The unit becomes overcrowded or under occupied

The tenant is issued another voucher to move to another unit, unless there are grounds to deny or terminate assistance (See Termination of Assistance Section).

If the tenant locates another unit, the annual re-certification procedures are followed.

E. Owner Notice to Move

Owners may give tenants notice strictly in accordance with the Lease Addendum provisions (incorporated into the Sample Lease used by the

PHA).

Owners are required to follow eviction procedures consistent with their contract and must comply with the requirements of Federal, and local law.

F. Family Misrepresentation

If the family has committed fraud in connection with the Section 8 Existing Housing Program, the PHA may terminate assistance and cancel the Contract.

In addition, if the family has misrepresented income, assets, or allowances and deductions which would have caused them to pay more, the PHA will make every effort to recover any overpayments made as a result of tenant fraud or abuse.

G. Owner Misrepresentation

If the landlord has committed fraud or misrepresentation in connection with the Section 8 Existing Program, the PHA will terminate the contract and review the circumstances and family's involvement to determine if it is eligible for re-certification, in which case the family will be relocated to another unit with continued assistance.

The PHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse.

If the owner has committed fraud, the PHA may bar the owner from participation in the program. The period of time will be determined by the PHA, depending on the seriousness of the offense.

If the PHA suspects either a participant or an owner has committed fraud with regard to the program, the PHA may, at the discretion of the Program Director, refer the matter to local or Federal law enforcement agents.

H. Change in Ownership

The PHA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the Closing Statement showing the transfer of title and the Employee Identification Number of the corporation or the Social Security if the owner is an individual, not a corporation.

The PHA must receive a written request by the owner in order to make changes regarding who is to receive the PHA's rent payment and the address at which payment is to be sent by completing Transfer or Ownership documents provided to the PHA.

The PHA will update its files and records to reflect the new information received.

I. Obligations of the Family

The Family must:

- a. Supply such certification, release, information or documentation as the PHA and HUD determines to be necessary, including submission of required evidence of citizenship or eligible alien status, and submissions required for an annual or interim reexamination of family income and composition.
- b. Allow the PHA to inspect the dwelling unit at reasonable times

and after reasonable notice.

- c. Notify the PHA before vacated, unless the owner stated in writing that there were no damages and the inspection was not necessary.
- d. Use the dwelling unit solely for residence by the Family, and as the Family's principal place of residence.

The Family must not:

- a. Own or have any interest in the dwelling unit where the following is applicable: other than in a manufactured home assisted under 24 CFR Subpart F. If the Owner is a cooperative, the Family may be a member of the cooperative).
- b. Commit any fraud in connection with the Section 8 Existing Housing Voucher Program.
- c. Receive housing assistance under the Section 8 Existing Housing Voucher Program while occupying, or receiving housing assistance for occupancy of, any other unit assisted under any Federal housing assistance program (including any Section 8 program).
- d. Sublease or assign the Lease or transfer the unit.

J. Negative Rents Tenants

As stated above, negative rent tenants may remain on the program for one year from the effective date they went to -\$0- assistance.

If the family's Total Tenant Payment is sufficient to pay the full gross rent and one year has elapsed since the PHA's last HAP payment was made, the family's assistance is terminated.

There are no expiration dates on leases. There is no new lease and contract at reexamination time unless the owner offers the tenant a new lease.

However, if the owner wants a rent increase during this year and the rent increase would cause the PHA to resume HAP payments, or if at reexamination time, the tenant had a loss of income and there would be a HAP payment, the payments would be resumed.

If payments are resumed, there would be an interim adjustment and a Notice of Rent adjustment would be sent out, listing the new amounts.

The tenant will be notified of their rights to remain on the program at -\$0- assistance for another year.

18. MOVE-OUT INSPECTIONS AND ELIMINATION OF PAYMENTS FOR OWNER CLAIMS AND VACANCY LOSS

A. Move Out Inspections

Move-out inspections are done after the tenant moves out of the unit and should not be done while the tenant is still cleaning the unit except when the tenant will remain in the unit and the HAP Contract will be canceled.

The owner or the owner's representative will be required to attend the move-out inspection. The owner will be notified as to when the inspection will take place. The PHA will encourage the owner to notify the tenant of the inspection date.

The owner must call or write the PHA and require a move-out Inspection, stating there are damages to the unit, for the PHA to conduct a move-out inspection. The PHA nevertheless, is no longer responsible for damages.

B. Elimination of Payments for Owner Claims and Vacancy Loss

The PHA eliminated the right of the owner to claim reimbursement for damages or other amounts owed by the tenant under the lease. The owner must look to the tenant for payment of any damages.

Payments will not be made after the month of move-out.

19. COMPLAINTS AND APPEALS

This chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. It is the PHA policy to ensure that all families have the benefit of complete protection due to them under law.

A. Informal Review for Applicants

Informal Review Required

The PHA must give an applicant for participation prompt written Notice of a decision denying assistance to the applicant. Said notice must contain:

- (1) A brief statement of the reasons for the PHA decision;
- (2) A statement that the applicant may request an informal review of the decision if he/she disagrees with the decision;
- (3) A description on how to obtain the informal review; and
- (4) Time frame for requesting the informal reviewed.

The informal review consists of one of the following:

- (1) An informal meeting with an Official Examiner designated by the PHA, which is a person other than the person who made or approved the decision under review or a subordinate of such person; or
- (2) A procedure by which an Official Examiner reviews the objections submitted by the applicant in writing, during the time

frame provided below.

Requests for informal reviews must be submitted in writing, within 15 calendar days from the date of receipt of Notice denying assistance.

Denial of assistance include any or all of the following:

- Denying housing assistance payments under voucher programs
- Denying listing on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract
- Refusing to approve a lease
- Refusing to process or provide assistance under Portability Procedures

The term “applicant” includes:

Voucher holders who do not have an effective lease and contract under the Voucher Program. Generally, people are considered “applicants” until there is an effective lease and subsidy contract, at which time they become “participants”.

The PHA must notify the applicant of the PHA final decision after the informal review takes place. Said notice should include a brief statement of the reasons by the final decision.

Informal Review Not Required

The PHA is not required to provide the applicant an opportunity for an informal review for any of the following:

- Discretionary administrative determinations by the PHA;
- General policy issues or class grievances;
- A determination of the unit size;
- An PHA determination not approve a unit or lease;
- An PHA determination not to approve an extension of suspension of the voucher term;
- An PHA determination that unit selected by applicant is not in compliance with HQS;
- A PHA determination that unit is not in compliance with HQS because of family size or composition.

B. Informal Hearing for Participants

Informal Hearing Required

The PHA must give a participant family an opportunity for an informal hearing to consider whether the following PHA decisions are in accordance with the law, HUD regulations and PHA policies:

- A determination of the family's adjusted income, and the use of such income to compute the assistance payments**.
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule**.

- A determination of the family unit size**
- A determination to terminate assistance because of the family's action or failure to act (see 24 CFR 982.552)*
- A determination to terminate assistance because of absence for longer than the maximum period permitted under PHA policy and HUD rules*.

*In these cases the PHA must provide written notice to the family establishing. Said notice must state:

1. That the family may ask for an explanation of the PHA determination, and
2. If the family does not agree with the determination, they may request an informal hearing over the decision.

** In these cases, the informal hearing must be conducted before termination of assistance payments. In such cases, the PHA must also give the family prompt written notice that the family may request an informal hearing. The notice must:

- 1) contain a brief statement of the reasons for the decision;
- 2) state if the family does not agree with the decision, the family may request an informal hearing on the decision, and
- 3) state time frame for requesting the informal hearing

Participants are families who have an effective lease or contract and are currently participating in the Voucher Program.

Informal Hearing Not Required

The PHA is not required to provide a participant family an informal hearing in any of the following:

- Discretionary administrative determination by the PHA;
- General policy issues or class grievances;
- Establishment of the schedule of utility allowances;
- Determination not to grant an extension or suspension of voucher term;
- Determination that assisted unit is not in compliance with HQS (However, the PHA must provide the opportunity for an informal hearing for a decision to terminate assistance for any of the following breaches of the HQS caused by the family : failure to pay utilities which are to be paid by the tenant; failure to provide and maintain appliances that are to be provided by tenant; damages caused to unit or premises by members or guests other than wear and tear; failure to correct life threatening HQS breach within 24 hours of occurrence or failure to correct ordinary damages within 30 calendar days or within an extended period approved by the PHA);
- Determination that unit is not in compliance with HQS because of family size;
- Determination by the PHA to exercise or not to exercise

any right or remedy against the owner under a HAP contract.

C. Hearing Procedures

Expeditious Hearing Process

Hearings for participants must proceed in a reasonably expeditious manner upon the request of the family.

Discovery of evidence by family

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

Discovery by PHA

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

The term "document" includes records and regulations.

Representation of the family

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

Hearing officer

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

The hearing officer may regulate the conduct on the hearing in accordance with the PHA hearing procedures.

Evidence

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

Issuance of Decision

The person who conducts the hearing must issue a written decision stating briefly the reasons for the decision. Determinations of facts relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished to the family within 15 calendar days from the hearing date.

All requests for a review, supporting documentation, and a copy of the

final decision will be retained in the family's file.

Effect of decision

The PHA is not bound by any hearing decision:

(i) Concerning a matter for which the PHA is not required to provide an informal hearing or that otherwise exceeds the authority of the person conducting the hearing under the PHA hearing procedures.

(ii) Contrary to HUD regulations or requirements or otherwise contrary to federal or local law.

If the PHA determines that it is not bound by a hearing decision, the PHA must promptly notify the family of the determination, and of the reasons for the determination.

20. MISSED APPOINTMENTS

An applicant or tenant who fails to keep an appointment without notifying the PHA shall be sent a notice of termination of assistance for failure to supply such certification, release, information or documentation as the PHA or HUD determines to be necessary or failure to allow the PHA to inspect the dwelling unit at reasonable times and after reasonable notice.

A. Process when Appointment(s) are Missed

For most of the functions above, the family will be given two appointments.

1. If the family does not show up or call to reschedule the appointment(s) required within 15 calendar days, the PHA will begin termination procedures. The applicant or tenant will be given an opportunity for an informal review or hearing, as appropriate.
2. If the Hearing Officer makes a determination in favor of the tenant, an appointment for the function for which the hearing is being held will be scheduled.
3. If the tenant has missed three appointments, assistance will be terminated with the 30 day notice to the family specified in this section.
4. When only two appointments have been scheduled and missed, if the tenant appeals termination letter for the missed appointment scheduled after the hearing, an informal hearing with the supervisor present must be scheduled. At that hearing, the tenant must submit acceptable documentation or evidence showing why she/he could not appear for

the rescheduled appointment.

5. If the documentation /evidence shows that the tenant could have reasonably been expected to attend, another appointment will not be scheduled.
6. If the documentation/evidence shows that the tenant could not have reasonably been expected to attend (in the hospital, for example, with documented evidence of such), a final appointment for the applicable function will be scheduled.

No more than three appointments will be granted.

If the missed appointment was for a participant, the termination will be effective upon the first of the second month following the missed appointment (30 days notice).

21- REPAYMENT AGREEMENT

A. Repayment Agreement General Conditions

Repayment Agreements may be executed in certain cases in which families owe the PHA money. Execution may be made if the family is in compliance with its obligations, as imposed by the PHA in this Plan and the HUD's regulations.

Repayment Agreements will never be entered into for less than \$100. In the case of a debt of \$100 or less, payment will only be acceptable as a lump sum. Repayment Agreements will never be entered into if the balance exceeds \$3,000. The family may pay any amount owed above the \$3,000 limit, to qualify for a Repayment Agreement.

The following are examples of situations eligible for Repayment Agreements: if a tenant did not report a change in a timely manner that was supposed to be reported, the PHA will calculate a retroactive payment that can be paid through a Repayment Agreement; if the tenant owes the PHA for money paid to an owner for a special claim.

In such cases, the Repayment Agreements will be set up as follows:

Minimum Payment	Retro Amount	Max Term
50% due at the execution of the Repayment Agreement	\$ 100-\$500	12 months
30% due at the execution of the Repayment Agreement	\$ 501-\$1,000	18 months
20% due at the execution of the Repayment Agreement	\$1,001 -\$3,000	24 months

The initial payment shall be the greatest initial payment possible. Such payment will never be for less than the minimum payment, unless it has been classified as a hardship case by the Section 8 Director.

It will be considered a hardship case if the total payment to pay exceeds 50% of the family's income per month or if the family cannot pay the initial payment. In such cases, the Repayment Agreement terms may reduce the initial payment below the Minimum Payment or may extend the maximum term of payment. Such term will not be extended to more than 24 months. The Section 8 Division Director must approve the qualification as a hardship case.

B. Violation of Family Obligation or Fraud

Whether a family will be allowed to enter into a Repayment Agreement with the PHA depends on whether the PHA considered the family in violation of an obligation and whether the PHA considered the violation fraud, gross irresponsibility, or whether the family owes the PHA money for some other reason, such as a claim the PHA paid out.

Fraud or gross irresponsibility are considered violations of the family's obligations. If the PHA determines that a family committed fraud or gross irresponsibility, the PHA may require repayment of the entire amount in full and/or have their assistance terminated. In no case the PHA is obliged to enter into a Repayment Agreement. If the family's assistance is terminated and repayment hasn't been made, the money will still be considered to be owed and the PHA may still take action to collect such amounts.

The family's failure to supply the information requested by the PHA at certification or recertification may be considered a violation of the family's obligation. Such violation may cause assistance to be terminated.

In determining whether the family violated the obligation to supply information, the PHA will determine whether the family supplied the information willingly. If the family supplied the information willingly and the amount is under \$3,000, the PHA, in making its consideration as to whether or not there was a violation of the family's obligation, will look upon the willingness of the tenant to provide the information regarding the prior violation favorably.

If they refuse to sign or do not qualify for a Repayment Agreement for changes they were required to report and didn't the PHA shall terminate assistance, as long as the amount was verified. The PHA may also consider local prosecution and, if the amount is excessive, forwarding the case to the Regional Inspector General for investigation.

The tenant will be given an opportunity for informal hearing prior to the termination of assistance.

C. Cases Other than Family Obligation Violation or Fraud

In cases other than willful intent to fraud and/or violation of a family obligation, where money is owed, the tenant may be allowed to enter into a Repayment Agreement to pay the PHA back over a period of time if the total amount owed is less than \$3,000.00, plus the initial deposit, and enter into a Repayment Agreement for the balance.

There is a total dollar amount limit of \$3,000 in order for the PHA to agree to enter into a Repayment Agreement. If the total owed is under \$3,000.00 (and the amount owed is not for fraud as defined above) the PHA will set up monthly payments on the Repayment Agreement according to the total amount to be repaid, identified in Section 23 A. If the tenant enters into a Repayment Agreement and does not pay, the termination of assistance procedures identified in Section 18 go into effect (but only if the tenant wants another voucher to

move).

D. Ability to Move to Another Unit with Continued Assistance

If the family is current on the Repayment Agreement, they will be allowed to move to another unit with continued assistance. If they are not current on their Repayment Agreement, they will be required to pay in full before being issued a Voucher.

22. Conflict of Interest(24 CFR Sec. 982.161)

- (a) Neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:
- (1) Any present or former member or officer of the PHA (except a participant commissioner);
 - (2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;
 - (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
 - (4) Any member of the Congress of the United States.
- (b) Any member of the classes described in paragraph (a) of this section must disclose their interest or prospective interest to the PHA and HUD.
- (c) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

23.A Crime by Family Members

Sec. 982.553

(a) At any time, the PHA may deny assistance to an applicant, or terminate assistance to a participant family if any member of the family commits:

- (1) Drug-related criminal activity; or
- (2) Violent criminal activity.

(b) If the PHA seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one year before the date that the PHA provides notice to the family of the PHA determination to deny or terminate assistance. The PHA may not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:

- (1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
- (2) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

(c) Evidence of criminal activity. In determining whether to deny or terminate assistance based on drug-related criminal activity or violent criminal activity, the PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

23.B Prohibition of Sex Offenders

Sec. 982.553

The Municipality of Cabo Rojo has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Cabo Rojo (RQ061) will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the dwelling unit is located and in other States where the household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a *Certificate of Conduct*.

In addition, *if necessary* the Municipality of Cabo Rojo may use the following web sites as other sources of information for screening:

- (1) <http://sijc.gobierno.pr/CJISPortal>- Web Site of the Puerto Rico Criminal Justice System of Information, which provides a list of sex offenders in Puerto Rico.
- (2) <http://www.nsopr.gov>- Sex Offender Public Website of the United States Department of Justice.

A notice will be posted in the bulletin board informing the prohibition of admission of any household member that is subject to lifetime sex offender registration.

The Municipality of Cabo Rojo will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. Sex offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as sex offenders.

24. Code of Ethics

It is essential that officials and employees in the public service adhere to the highest principals of honesty, integrity, impartiality and conduct in order to guarantee the proper functioning of government. The avoidance of improper conduct and conflict of interest by public servants is indispensable to the maintenance of these principals. Consequently, it is the purpose of the Code of Ethics to establish standards of ethical conduct applicable to all officials and employees of the Executive Branch of the Commonwealth of Puerto Rico, including public corporation, municipal government and the agencies under the jurisdiction of the Executive Branch, and to establish, moreover, certain norms for the actions of former public servants of all three branches of government (Executive, Legislative and Judicial).

The PHA in order to promote and preserve integrity of its public officials and institutions will comply with the Government (Act. No 12 of July 24, 1985) State and Federal Ethics Law and amendments incorporated to date.

25. Protection to Victims of Abuse

[Notices PIH 2006-23, 2006-42 and 2007-5; and the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA 2005, 42 U.S.C. 13925)].

The criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitated with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence: Violence committed by a person:

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined

based on a consideration of the following factors:

- (i) the length of the relationship;
- (ii) the type of relationship; and
- (iii) the frequency of interaction between the persons involved in the relationship.

Stalking: to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Immediate Family Member: a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.

The Municipality of Cabo Rojo may request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking and that the incidence(s) of threatened or actual abuse are bona fide in determining whether the protections afforded to such individuals under VAWA are applicable. The Municipality of Cabo Rojo may request in writing that an individual complete, sign and submit, within 14 business days of the request, a HUD-approved certification form (Form HUD 50066). On the form, the individual certifies that he/she is a victim of domestic violence, dating violence, or stalking, and that the incident or incidences in question are bona fide incidences of such actual or threatened abuse. On the certification form, the individual shall provide the name

of the perpetrator.

In lieu of a certification form, or in addition to the certification form, a tenant may provide to the PHA and the owners:

- (1) A Federal, State, tribal, territorial, or local police record or court record;
- (2) Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, or stalking has signed or attested to the documentation.

The PHA is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive the protections of VAWA. The PHA, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

The PHA should be mindful that the delivery of the certification form to the tenant in response to an incident via mail may place the victim at risk, e.g., the abuser may monitor the mail. Therefore, the PHA may require that the tenant come into the office to pick up the certification form and is encouraged to work with tenants to make delivery arrangements that do not place the tenant at risk.

If the individual does not provide the Form HUD 50066 or the information that may be provided in lieu of the certification by the 14th business day or any

extension of that date provided by the PHA, none of the protections afforded to the victim of domestic violence, dating violence or stalking by sections 606 or 607 will apply. The PHA would therefore be free to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions, without regard to the amendments made by Sections 606 and 607.

NOTICE AND CONFIDENTIALITY:

The PHA must notify tenants of their rights under VAWA and the right to confidentiality.

The PHA may make the certification form (Form 50066) available to all eligible families at the time of admission.

As part of the briefing packet [24 CFR 982.301 (b)] (See Chapter 10, Section A) the family is provided with a copy of the HUD tenancy Addendum, which provide orientation about the protection to victims of abuse. Also, owners are orientate about their rights and obligation under VAWA.

The PHA will posted a VAWA notice in the office's bulletin board and request that a tenant come into the office to pick up the form if the tenant believes the VAWA protections apply.

All information provided to the Municipality of Cabo Rojo relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, or stalking, must be retained in confidence and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is (i) requested or consented by the individual in writing; (ii) required for use in an eviction proceeding or termination

of assistance; or, (iii) otherwise required by applicable law.

Protections for Victims of Abuse

The new requirements of VAWA 2005 are:

- An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse. (Section 8(o)(7)(C) of the U.S. Housing Act of 1937.)
- Criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse. (Section 8(o)(7)(D)(i) of the U.S. Housing Act of 1937.)
- Notwithstanding the VAWA restrictions on admission, occupancy, or terminations of occupancy or assistance, or any Federal, State or local law to the contrary, a PHA may terminate assistance to or an owner or manager may “bifurcate” a lease, or otherwise remove a household member from a lease, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others. This action may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance

shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the housing choice voucher program. (Section 8(o)(7)(D)(ii) of the U.S. Housing Act of 1937.)

- Nothing in Section 8(o)(7)(D)(i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up. (Section 8(o)(7)(D)(iii) of the U.S. Housing Act of 1937.)
- Nothing in Section 8(o)(7)(D)(i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate. (Section 8(o)(7)(D)(iv) of the U.S. Housing Act of 1937.)
- Nothing in Section 8(o)(7)(D)(i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant is not evicted or terminated from assistance. (Section 8(o)(7)(D)(v) of the U.S. Housing Act of 1937.)

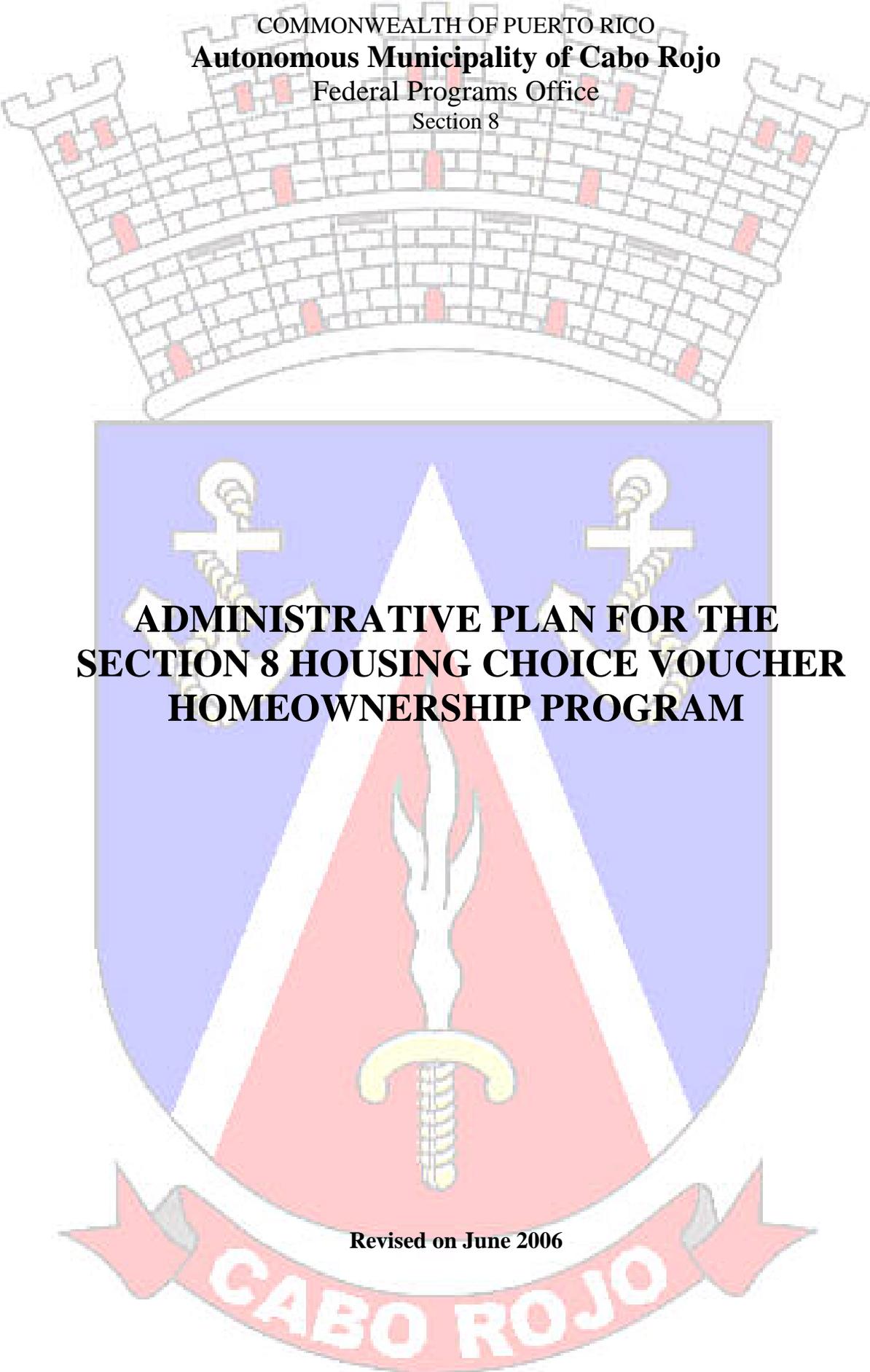
- Nothing in Section 8(o)(7)(D)(i) shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than Section 8(o)(7)(D)(i) for victims of domestic violence, dating violence, or stalking. (Section 8(o)(7)(D)(vi) of the U.S. Housing Act of 1937.)

Portability to Protect Victims of Abuse

The family may receive a voucher and move in violation of the lease under the portability procedures if the family has complied with all other obligations of the voucher program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

If the circumstances described above exist, the PHA may allow a family to move under portability procedures if the only basis for the denial is that the family is violating the lease agreement. The PHA may request that the family provide the HUD-approved certification form (form HUD-50066), or other acceptable documentation in order to verify the family's claim that the request to move is prompted by incidences of abuse in the unit.

COMMONWEALTH OF PUERTO RICO
Autonomous Municipality of Cabo Rojo
Federal Programs Office
Section 8

The coat of arms of Cabo Rojo features a crown at the top, a shield with a blue background, a white triangle, and a red triangle. The shield contains two anchors and a sword. A red ribbon at the bottom contains the text 'CABO ROJO'.

**ADMINISTRATIVE PLAN FOR THE
SECTION 8 HOUSING CHOICE VOUCHER
HOMEOWNERSHIP PROGRAM**

Revised on June 2006

CABO ROJO

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ADMINISTRATIVE PLAN FOR THE SECTION 8 HOUSING CHOICE VOUCHER HOMEOWNERSHIP PROGRAM

Homeownership option: General (24 CFR 982.625)

EXECUTIVE SUMMARY

According to the Final Rule (24 CFR Parts 5, 903 and 982–October 18, 2002) homeownership assistance offers a new option for families who receive Section 8 tenant–based assistance. The PHA (Public Housing Agency) may use Housing Choice Voucher assistance for homeownership purposes rather than for rental assistance.

The PHA will provide homeownership assistance through monthly payments directly to the family or the lender (Payments will be entitled to both: family and lender). Two options are available for this assistance: monthly homeownership assistance payment on behalf of a family, and to provide homeownership assistance for the family in the form of a single grant to be used toward the down payment required in connection with the purchase of the home. Until HUD publishes the regulations for down payment assistance, only monthly homeownership assistance is available.

The Homeownership Program of the Municipality of Cabo Rojo has the following priority objectives:

- Provide assistance on the process of purchasing a home to the participant families, using their Section 8 voucher.
- Promote social and economic benefits for the homeowners. It is a key component of families moving to achieve economic independence and moving to self-sufficiency. The objective is to reduce the dependency of low-income families on welfare assistance and federal, state or local subsidies.
- Provide decent, safe and affordable housing, encouraging families to maintain their own properties in the best condition.

For HUD definitions to any term used in this Administrative Plan, please refer to 24 CFR 982.4.

The PHA will take into account the appropriate changes in order to implement the Homeownership Program, whereby it will consider the following:

- 1- Assistance will be provided for:
 - a. First time homeowners, (FTH, means that no member of the household has had an ownership interest in any residence during the three (3)

years preceding commencement of homeownership assistance. A single person or displaced homemaker who while married owned a home with a spouse or resided in a home owned by a spouse is considered a FTH for purpose of the Section 8 Homeownership Program.) (24 CFR 982.4).

b. Family that owns or is acquiring shares in a cooperative. (24 CFR 982.4).

2- The program will be offered to newly admitted families or existing participants in the Section 8 Housing Choice Voucher Program (HCVP). The newly admitted families will be eligible as long as they are in “good standing” and have completed the required 1st year lease contract.

3- The total family that will be serve through this program will be limited to a maximum of 20% initially.

4- Participation in the Section 8 Homeownership Program is voluntary.

Down Payment (24 CFR 982.625 (g) (1))

Families are required to remit a down payment to the financial institution that is at least three percent (3%) of the sale price or the standard generally accepted by the industry. One percent (1%) of the down payment must come from the family’s own resources.

A. Eligibility Requirements (24 CFR 982.627)

The family must meet all the requirements listed below before the commencement of homeownership assistance:

1- The family must be eligible for the Housing Choice Voucher Program. [24 CFR 982.627 (a)].

2- The family must be in “good standing”.

The PHA defines a family participant to be in “good standing” as:

a. Having no outstanding debts to the Municipality of Cabo Rojo or any other Housing Authority.

b. Having no outstanding debts with any municipality and/or any government institutions.

3- The family must qualify as a FTH, or may be a cooperative member as defined by HUD. [24 CFR 982.627 (a)].

- 4- The head of household, spouse or adult family member must meet the federal minimum income requirement. Whereby, they must have a gross annual income equal to the federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. Unless the family is elderly or disabled, income from welfare assistance will not be counted toward this requirement. [24 CFR 982.627 (c)].
- 5- As previously stated, the family must meet the federal minimum employment, which is defined as follows:
 - a- Except in the case of elderly and disabled families one or more adults in the family who will own the home must be currently employed full time and must have been continuously employed for one year prior to homeownership assistance. The Municipality of Cabo Rojo (PHA) will also consider whether and to what extent an employment interruption is considered permissible, satisfying, employment requirement. Interruptions of less than 60 days will count as continuous employment during the year. The Municipality of Cabo Rojo will also consider successive employments during the one-year period and self-employment a business. [24 CFR 982.627 (d)].
 - b- HUD regulations define “full-time employment” as not less than an average of 30 hours per week. [24 CFR 982.627 (d)(2)(i)].
 - c- The federal minimum employment requirement does not apply to elderly or disabled families. [24 CFR 982.627 (d)(3)].
- 6- Any family member who has previously defaulted on a mortgage obtained through homeownership program option and/or any other federal subsidized mortgage program is barred from receiving future homeownership assistance. [24CFR 982.627 (e)].
- 7- Must attend and satisfactorily successfully complete a minimum of 10 hours of the PHA’s pre-assistance homeownership and housing counseling program the maximum will be a case by case in accordance to the families needs. [24 CFR 982.982.630 (a)].
- 8- Must complete the pre-qualification process with the identified entity. [24 CFR 982.627 (c) (3) & 24 CFR 982.632].
- 9- Applicants for and new participants in the Section 8 HCVP shall be ineligible for participation in the Section 8 Homeownership Program until completion of an initial Section 8 lease term and the participant’s first annual recertification in the Section 8 HCVP. Nothing in this provision

will preclude Section 8 participants that have completed an initial lease term in another jurisdiction from participating in the Section 8 Homeownership Program.

B. Eligible Units (24 CFR 982.628)

The unit must meet all of the following requirements:

1. The unit must meet HUD’s “Eligible Housing” requirements. The unit may not be any of the following:
 - a. A public housing or Indian housing unit;
 - b. A unit receiving Section 8 project-based assistance;
 - c. A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
 - d. A college or other school dormitory;
 - e. On the grounds of penal, reformatory, medical, mental, similar public or private institution.
2. The unit already existed or under construction at the time the family was determined eligible for homeownership assistance.
3. The unit is a one-unit property or a single dwelling unit in a cooperative or condominium.
4. The unit has been inspected by the inspector of the Municipality of Cabo Rojo and meets HUD HQS.
5. An independent inspector designed by the family has inspected the unit.
 - a. The unit has been inspected and meets HUD Housing Quality Standards.

The Municipality of Cabo Rojo will not approve the seller of the unit if it has been informed by HUD or otherwise if that the seller of the home is debarred, suspended, or subject to a limited denial of participation.

C. Finding and Financing a Home (24 CFR 982.629)

Families that meet the eligibility criteria and complete the pre-qualification process will then be issued a voucher to locate a home. Pre-qualification will be conducted by referral state or federal and/or banking institutions (financial institutions).

Eligible families will be given an initial time frame of 90 days to locate a home, secure financing and purchasing. Extensions may be given in 30-day intervals to

complete the purchasing process up to an additional 90 days. The time frame allotted to locate a home, secure financing and purchasing may not exceed a maximum of 180 days. Within the 90 days period, the family must notify to the PHA the progress or actions taken to seek finance. The notification must be in letter format and submitted personally or by mail to our office.

Families may select homes to purchase that exist at the time eligibility is determined or a unit that is under construction.

If the family fails to find a home to purchase within the allotted time frame, the homeownership voucher will be rescinded and the family will be issued a voucher to lease a unit.

D. Homeownership Counseling Requirement (24 CFR 982.630)

Before commencement of homeownership assistance, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program. The family must complete a minimum homeownership counseling time of ten (10) hours. Such counseling shall be consistent with HUD-approved housing counseling. The Municipality of Cabo Rojo will determine the additional hours that must be attended by a family based on their needs.

The counseling program must address minimum issues such as:

1. How to locate a home
2. Budgeting and Money Management
3. Credit Counseling
4. How to negotiate the purchase price
5. Locating and combining federal, state and local aids on the homeownership effort
6. How to acquire financing and loans pre-approvals
7. Securing a Home
8. Home Maintenance
9. Purchasing adequate Home Insurance
10. Information about Fair Housing

The PHA will make alliances with public and private organizations to provide additional supportive educational services to families.

E. Inspection and Contract (24 CFR 982.631)

The PHA may not commence monthly homeownership assistance payments for the family until the PHA has inspected the unit and has determined that the unit passes Housing Quality Standards.

The unit must also be inspected by an independent professional inspector selected and paid by the family.

The Municipality of Cabo Rojo will adhere to the following:

- **Home Inspections**

Two home inspections are required:

- (1) Housing Quality Standards (under the Housing Choice Voucher Program) by PHA;
- (2) Inspection by an independent professional Inspector/Adjuster qualified to report on property conditions including major building systems and components. The family must pay all costs for the inspection. This inspection includes:
 - Major building components
 - Building systems
 - Appliances
 - Other structural component
- (3) The independent inspection must cover major systems and components including:
 - Foundation and structure
 - Housing interior and exterior
 - Roofing, plumbing, electrical and heating systems (if applicable)
- (4) The independent inspector-adjuster may not be an employee of the Municipality of Cabo Rojo contractor or other person under the control of the Municipality.

- **Inspection Certification**

Upon completion of the inspection, the inspector will provide the PHA and the family with copies of its report. The PHA shall have the discretion to disapprove the unit for assistance under the homeownership option because of the inspection report.

- **Contract of Sale**

Prior to execution of the offer to purchase or sales contract, the family must provide the financing type and/or terms for the PHA for approval.

The family must provide a copy of the contract of sale in accordance with Section 982.627(a) (7).

The contract of sale must:

- (1) Specify the price and other terms of sale by the seller to the purchaser.
- (2) Provide that the purchase will arrange for pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser.
- (3) Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser and the PHA.
- (4) Provide that the purchaser is not obligated to pay for any necessary repairs.
- (5) Contain a certification from the seller that the seller has not been debarred, suspended or subject to a limited denial of participation under 24 CFR part 24.
- (6) Specify that if any pre-purchase repairs are necessary, the seller will be responsible of making the corrections to qualify the home under the Homeownership Program.

PHA Disapproval of Seller

The PHA may deny approval of a seller for any reason provided for disapproval of an owner in Sec. 982.306 (c) and stated on the Administrative Plan for the HCVP of the Municipality of Cabo Rojo.

F. Financing Requirements (24 CFR 982.632)

The Municipality of Cabo Rojo will provide homeownership assistance payments on a monthly basis (after closing) to help family meet mortgage payments and home expenses. The following types of financing are prohibited and will not be approved:

1. Balloon payments mortgage.
2. Variable interest notes.
3. Private seller financing.
4. Financing a home through other part not authorized by the Commissioners of Financing Institutions of Puerto Rico.

In first instance, the lending institution should submit to the Municipality of Cabo Rojo the Good Faith Estimate for the option

to purchase contract, in order to determine the affordability of the family's proposed financing. In making such determination, the Municipality may take into account other family expenses, including but not limited to child care, unreimbursed medical expenses, education and training expenses and the like. Once completed the loan application, copy of the Settlement Statement should be presented to the Municipality for final approval.

5. If a mortgage is not FHA-insured, the PHA will require the lender to comply with secondary mortgage market underwriting requirements on comply with the generally accepted private sector underwriting standards such as those consistent with that of HUD/FHA, Ginnie Mae, Fannie Mae, Freddie Mac, or other private lending institution.

G. Continued Assistance (24 CFR 982.633)

Homeownership assistance may only be paid while the family is residing in the home. The family or lender is not required to refund homeownership assistance for the month when the family moves out.

The family must comply with the following obligations:

1. The family must attend and complete ongoing homeownership and housing counseling.
2. The family must comply with terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.
3. The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to 24 CFR 982.551 (h) and (i).
 - a. Upon death of a family member who holds, in whole or in part, title to the home, homeownership assistance may continue pending settlement of the decedent's estate, notwithstanding transfer of title by operation of law to the decedent's executor or legal representative, so long as the home is solely occupied by remaining family members in accordance with Sec. 982.551 (h).
4. The family must supply information to the PHA or HUD as specified in 24 CFR 982.551 (b). The family must further supply any information required by the Municipality or HUD concerning any mortgage or other debt incurred to purchase the home and any refinancing of such debt, sale or transfer of any interest in the home, or homeownership expenses.
5. The family must notify the PHA before moving out of the house.

6. The PHA must be notified if the family defaults on the mortgage used to purchase the home. The family must report the PHA if they are 7 days late payment.
7. No family member may have any ownership interest in any other residential property during the time the family is receiving homeownership assistance under this subpart.
8. Before commencement of homeownership assistance, the family must execute statement in which the family agrees to comply with all family obligations under the homeownership option. The HA staff will explain any or all clauses which the homebuyer(s), may not understand.
9. The family must comply with the obligation of a participant family described in 982.551. However, the following provisions do not apply to assistance under the homeownership option: 982.551(c), (d), (e), (f), (g) and (j).

The family must agree to:

1. Comply with the terms of mortgage
2. Use and occupy unit as the family's only residence
3. Report changes in family composition
4. Complete annual recertification
5. No subletting or leasing
6. Supply information concerning refinancing such debt, payment of debt, sale or transfer of any interest in home
7. Provide notice of move-out
8. Provide Notice of default
9. Prohibition on ownership interest on second residence
10. During time family receives homeownership assistance, no member reported in the certification may have any interest in any other residential property
11. At annual recertification, the family must document that they are current with mortgage, insurance and taxes

12. Participate in post-purchase counseling sharing their experiences on the process to encourage others.
13. Comply with any additional PHA requirements for continuation of homeownership assistance

H. Maximum Term of Homeownership Assistance (24 CFR 982.634)

Except in the case of elderly or disabled families, the maximum term of homeownership assistance is:

- 15 years, if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer or 10 years in all other cases.
- If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commence. However, such family must be provided at least 6 months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance in accordance with this part.)

The elderly exception only applies if the family qualified as elderly at the start of homeownership assistance. The disabled exception applies, if at any time during receipt the Homeownership assistance, the family qualifies as disabled.

If the family receives homeownership assistance for different homes, or from different PHA's, the total is subject to the maximum term described in (H) (1).

I. Homeownership Assistance Payments and Homeownership Expense (24 CFR 982.635)

While the family is residing in the home, the PHA will pay by check a monthly homeownership assistance mortgage payment on behalf of the family and/or the lender that is equal to the lower of:

- The Payment Standard minus Total Tenant Payment, or
- The family's monthly Homeownership expense minus the Total Tenant Payment.

Determining the amount of the Homeownership Assistance Payment (HOP), the Municipality will use the same Payment Standard schedule, Payment Standard amounts, and subsidy standard pursuant to 982.402 and 982.503 for homeownership options as for the Housing Choice Voucher Program as described in our Administrative Plan.

Some homeownership expenses are allowances or standards determined by the PHA in accordance with HUD regulations. These allowances are used in determination

expenses for all homeownership families and are not based on the condition of the home. The following homeownership expenses will be allowed:

- (a) Principal and interest on initial mortgage debt, any refinancing of such debt and any mortgage insurance premium incurred to finance purchase of the home;
- (b) Real estate taxes and public assessments on the home;
- (c) Hazard insurance;
- (d) Allowances for utilities (Currently in use by the PHA in its Housing Choice Voucher Program);
- (e) Allowances for routine maintenance costs;
- (f) Principal and interest mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses as needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person, in accordance with part 8 of this title;
- (g) Allowances for major repairs and replacements;
- (h) The cooperative charge or the maintenance and operating costs assessed by the homeowners association, applies only to Condos and Coops.
- (i) The family pays expenses not covered by HOP.

Payment to Family or Lender

The PHA will provide the lender with notice of amount of the housing assistance payment prior to close of the case and will pay the Municipality contribution towards the family's homeowner expense directly to the family, unless otherwise required by the lender. The family will be responsible to submit the entire mortgage payment to the lender unless the lender requires direct payment of the Municipality of Cabo Rojo's contribution.

J. Portability (24 CFR 982.636, Notice PIH 2004-12 & 2005-28)

The family may select an existing or under construction home within the PHA jurisdiction as stated in the Administrative Plan or may exercise portability if the

receiving PHA is approving units under a homeownership program and is accepting new homeownership families. The following must be met before the Municipality of Cabo Rojo will approve portability for a homeownership family participant:

1. The receiving PHA may absorb families into their programs or bill the initial PHA.
2. The receiving PHA is responsible for providing counseling sessions.
3. The homeownership policies of the receiving PHA shall prevail.

If a family decides to move out of the PHA's jurisdiction for purposes of homeownership assistance, the family must obtain the initial PHA approval. The PHA may deny permission to move if the PHA does not have sufficient funding for continued assistance [24 CFR 982.314 (e)(1)].

K. Denial or termination (24 CFR 982.638)

A family's homeownership assistance may be terminated if the family fails to comply with its responsibilities, through their actions or their failure to act under Section 8 Program, Housing Authority homeownership policies, or if the family defaults on the mortgage. Except as otherwise approved by the PHA, the family may not convey or transfer the home to any entity or person. The Municipality reserves the right not to allow the family to participate in the tenant-based Housing Choice Voucher Program.

The PHA must deny its permission, if:

- (1) The family defaulted on an FHA-insured mortgage; and
- (2) The family fails to demonstrate that:
 - (i) The family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and
 - (ii) The family has moved, or will move, from the home within the period established or approved by HUD.

L. Procedure for termination of Homeownership Assistance

A participant in the Section 8 Homeownership Program shall be entitled to the same termination notice and informal hearing procedures set forth in the Administrative Plan of the Municipality of Cabo Rojo Housing Choice Voucher Program.

M. On-going Administrative Fees (24 CFR 682.639)

The PHA will continue to schedule and conduct the annual recertification for homeownership participants. Annual HQS inspections may be required by PHA. The PHA shall be entitled to ongoing voucher administrative fees as described in 24 CFR 982.152(b) for each month that homeownership assistance on behalf of the family.

N. Utility Allowance

The PHA will use its Housing Choice Voucher Program utility allowance schedule.

O. Credit Requirements

In compliance with the Fair Credit Act, the lending institution will determine credit worthiness of the participant. In case the participant is unable to meet this initial criterion he/she will be referred to credit counseling and then reconsidered for the program.

P. Reaching maximum term of Homeownership Assistance

Once the family is reaching the maximum term of Homeownership assistance, the Municipality will notify 90 days before the date of such occurrence, that no further assistance will be disbursed to the family once the date of termination arrives.

Q. Recapture of Homeownership Assistance (24 CFR 982.625)

A PHA shall not impose or enforce any requirement for the recapture of voucher homeownership assistance on the sale or refinancing of a home purchased with assistance under the homeownership option.

R. Waiver or Modification of Homeownership Policies.

The Municipality of Cabo Rojo shall have the discretion to waive or modify any provision of the Section 8 Homeownership program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

