PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011

1.0 PHA Information

PHA Name: HILLSBOROUGH COUNTY HOUSING CHOICE VOUCHER PROGRAM

PHA Code: FL089

PHA Type: ☐ Small ☒ High Performing ☐ Standard ☒ HCV (Section 8)

PHA Fiscal Year Beginning: (MM/YYYY): 10/1/2010

2.0 Inventory (based on ACC units at time of FY beginning in 1.0 above)

Number of PH units: _____ Number of HCV units: 1993

3.0 Submission Type

☐ 5-Year and Annual Plan ☒ Annual Plan Only ☐ 5-Year Plan Only

4.0 PHA Consortia ☐ PHA Consortia: (Check box if submitting a joint Plan and complete table below.) N/A

Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
				PH	HCV
PHA 1:					
PHA 2:					
PHA 3:					

5.0 5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.

5.1 Mission. The mission of the Hillsborough County Section 8 Housing Choice Voucher Program (HCVP) is to provide rental assistance and homeownership opportunities for affordable, safe, decent and sanitary housing in privately owned dwellings located throughout the designated jurisdiction to qualifying low-income families who meet eligibility requirements set forth by the U.S. Department of Housing and Urban Development (HUD).

5.2 **Goals and Objectives.**

PROGRESS REPORT

The PHA has made great progress in meeting the goals and objectives described in the previous 5-Year Plan. The PHA has continued to seek alternative ways to expand the supply of assisted housing by applying for a Family Unification Program (FUP) grant to assist families who are in need of sustainable housing but are not currently on the PHA's waitlist. In the 2009 program year the PHA was a recipient of a HUD grant award of $350,000 to provide a Family Unification Program for 50 families. In the same period, the PHA also received a grant award in the amount of $350,000 to conduct a HOME – Tenant Based Rental Assistance Program targeting homeless and households at-risk of homeless, to include victims of domestic violence. Also in 2009, the PHA received a grant award from HUD in the amount of $59,110 for a Family Self-Sufficiency (FSS) Coordinator position. In April 2010 the PHA was notified by HUD that the FSS application for the current year was approved at the requested allocation level of $190,035 (the largest allocation in the state) that will provide for two additional new positions (total of 3) fully funded by HUD assist Section 8 households to move toward self-sufficiency.

The PHA has encouraged and continues to cultivate professionalism and staff development. To that end, the PHA has provided and continues to provide staff access to the most current training programs as presented through Nan McKay's "Housing Help" series. The PHA ensures that staff is able to access and to participate in all training provided by HUD. Staff also utilizes the website resource, www.GoSection8.com.

The PHA has continued to provide mobility counseling to participants as well as providing landlord outreach such as Landlord 101 workshops at least twice a year. Voucher payment standards for the PHA are currently set at 100% for participating rental units. Landlords have been encouraged to use the GoSection8 website to list their properties. This ensures that the greatest number of interested parties can view listed properties in the County, even if not a current voucher holder. The PHA has contracted a professional inspection service to perform HUD required rental unit inspections prior to occupancy and thereafter annually to ensure that all participating units meet Hillsborough County Property Maintenance Code set forth in the jurisdiction.

The PHA has continued its efforts to enroll interested clients into the Family Self-Sufficiency (FSS) program. Although the PHA is mandated to fill one-hundred (100) slots, the PHA exceed this goal by 50% in the 2009 and continues its efforts to recruit and enroll all Section 8 participants interested in achieving self-sufficiency. Currently the PHA has enrolled 153 FSS participants; 30% with escrow accounts. The PHA has secured supportive services through memorandums of understanding with local resources. The PHA's Homeownership program has been implemented and qualified candidates are currently being recruited.

The PHA continues to pledge to affirmatively promote and enforce fair housing regulations. Measures are established to ensure tenant access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability. The PHA undertakes affirmative measures to promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice. As a part of Hillsborough County government, the PHA utilizes the County's Office of Equal Opportunity to address issues of Fair Housing discrimination.

6.0	**PHA Plan Update:** **(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:** The PHA has revised its Annual Plan and has applied for 50 additional vouchers under the Family Unification Program (FUP) grant in the 2010 program year. A Memorandum of Understanding (MOU) has been established with the Florida Department of Children and Families and Hillsborough Kids, Inc. (HKI), for this application as well as for the 50 vouchers awarded in the prior year. As stipulated in the MOU and as per the NOFA, all referrals for this program are provided by HKI. **(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.** The Annual and 5-Year plans are available for review and comment at the Hillsborough County Housing Choice Voucher Program's office located at 3620 W. Humphrey Street Tampa, Florida 33614 and are available on the PHA's web page at the Hillsborough County website: www.hillsboroughcounty.org.
7.0	**Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.** *Include statements related to these programs as applicable.* The Public Housing Agency (PHA) has established a Section 8 Tenant Based Homeownership Program in Hillsborough County, Florida, pursuant to the U.S. Department of Housing and Urban Development's (HUD) final rule dated October 12, 2000 and Section 555 of the Quality Housing and Work Responsibility Act of 1998 under Section 8(y), Homeownership Program.
8.0	**Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable. **N/A**
8.1	**Capital Fund Program Annual Statement/Performance and Evaluation Report.** As part of the PHA 5-Year and Annual Plan, annually complete and submit **t**he *Capital Fund Program Annual Statement/Performance and Evaluation Report,* form HUD-50075.1, for each current and open CFP grant and CFFP financing. **N/A**
8.2	**Capital Fund Program Five-Year Action Plan.** As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan,* form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. **N/A**
8.3	**Capital Fund Financing Program (CFFP).** ☐ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. **N/A**

9.0	**Housing Needs**. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. According to the County Consolidated Plan, nearly two-thirds of low income households were estimated to be moderately cost burdened in 2006[1] while 29.64% are experiencing severe cost burden. The number of moderately and severely cost burdened households in the combined extremely low, very low and low income categories is expected to increase from 157,974 to 175,114 in 2011. A high proportion of Elderly households are projected to have a moderate cost burden by 2011 and 27.96% are projected to be severely cost burdened. Of the households that include one or more persons with disabilities in Hillsborough County, 45,685 were classified as moderately cost burdened while 20,995 were severely cost burdened. Hillsborough County's housing needs were also analyzed with regard to race and ethnicity to determine whether some groups have a disproportionately higher level of need. Data was analyzed with regard to race and ethnicity. The percentage of moderately cost burdened households (e.g., paying more than 30% of gross income for housing, but less than 50%) who are Black and not Hispanic is 72.64%, while the percentage of White Non-Hispanic (e.g., non-minority) households in this category 71.63%. The difference between the two results is slightly more than one (1) percentage point. There is no disproportionate need among moderately cost burdened Black Non-Hispanic households with incomes at or below 30% of Area Median. It was also determined by the Consolidated Plan, that 85% of the families on the waiting list in Hillsborough County are extremely low income. The Spring of Tampa Bay, Inc. provided information to Hillsborough County on victims of domestic violence and the associated need for housing and other assistance. Hillsborough County has a population of 1,083,521 and Tampa has a population of 313,611. The Spring's shelter population is diverse in the age of victims served as well as race/ethnicity. The average Spring domestic violence victim profile is a female between the ages of 24 and 27, with two dependent children and reporting an income at or below federal poverty guidelines. Hillsborough County is experiencing a pronounced shortage of housing affordable for low and moderate-income households. Between 2000 and 2005, the Fair Market Rent for a 2-bedroom unit – the most common rental unit found in any market area – rose 28% from $630 in 2000 to $805 in 2005. Regarding, the data on commercial apartments at which more than 98% were occupied, those apartments that are vacant are only vacant long enough for them to be prepared for the next tenant. The lack of available market-rate rental units is compounded by the level of rents. For instance, the Bay Area Apartment Association reports that the average rent for a 2 bedroom, 2-bath unit is $919 in the Tampa Bay area. Given the addition of even $100 for utilities, a household would need to earn $40,760 per year to afford this rental unit. This translates into the need to have an income of at least 75% of Area Median to afford the average rental unit. Multi-family housing permits have showed a large decline in issuance, thus new construction activity has likely had a negative impact on the number of rental units available in Hillsborough County. Lower numbers of rental units can translates into higher rental rates and more problems with affordability in the community. The Hillsborough County Property Appraiser provided information on land use and improvement quality that can be used to assess the general condition of housing within the County. The classifications of concern are Minimum, Fair, and Average Minus; all other classifications are in Average to Superior condition. A total of 47,586 housing units, making up 14.3% of the housing stock in Hillsborough County, rated as Average Minus or below.

[1] *Most current data available.*
The data in the Housing Needs is derived from the County's Consolidated Planning Document (CPD) for fiscal years 2006-2011.

9.1	**Strategy for Addressing Housing Needs**. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.** The PHA will maintain a steady flow of intake processing by drawing applicants from the wait list and housing them for maximum lease-up. This activity is monitored to ensure accomplishment of lease-up targets. Note: Intake activity is contingent upon available funding. The PHA will maintain or increase Section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction as well as maintain or increase lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. The PHA will increase the number of affordable housing units assisted by applying for additional Section 8 units as they become available. The PHA will target new tenant enrollment assistance to families at or below 30% of AMI and adopt rent policies to support and encourage employment. The PHA will target available assistance to families at or below 50% of AMI and employ admissions preferences aimed at families who are disabled, elderly and/or working. The PHA will adopt rent policies to support and encourage work. The PHA will target available assistance to the elderly by maintaining a partnership with the Hillsborough County Department of Aging Services to ensure the housing needs of the elderly are addressed by the PHA. The PHA will target available assistance to families with Disabilities as an established preference for acceptance to the wait list and applying for Non-Elderly with Disabilities vouchers as announced by HUD. The PHA will increase awareness of PHA resources among families of races and ethnicities with disproportionate needs: by counseling Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units. The PHA will market the Section 8 program to owners outside of poverty / minority areas. The PHA will develop and maintain linkages with recognized local agencies of Domestic Violence to increase opportunities for long-term housing assistance for displaced victims of domestic violence. The PHA will broaden definition of displacement preference to include families referred for the Family Unification Program, the local Tenant Based Rental Assistance Program and Victims of Domestic Violence as referred by locally recognized agencies for the targeted family types**.** The PHA will establish a policy to open wait list and extend the highest priority to families or individuals affected by natural disaster or violent acts of terror, as defined by national or local standards. The PHA will work in conjunction with national and local initiatives, funding permitting, to assist with temporary and/or long-term housing of said families or individuals.

10.0

Additional Information. Describe the following, as well as any additional information HUD has requested.
(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.

The Hillsborough County's Section 8 HCV Program - PHA FL089, rated "Top Performer" status in the most recent Section Eight Management Assessment Program (SEMAP) based on work performance for the period October 1, 2008 through September 30, 2009. The PHA continues to make great strides to further advance the overall objectives of the agency. In the 2009 program year, this PHA in addition the Section 8 annual allocation, was awarded a $350,000 HUD grant for a Family Unification Program for households whom the lack of adequate housing is the primary factor in the imminent placement or delay of discharge of children in out-of home care. In the same period, the PHA also received a grant award in the amount of $350,000 to conduct a HOME – Tenant Based Rental Assistance Program targeting homeless and households at-risk of homeless, to include victims of domestic violence. Also in 2009, the PHA received a grant award from HUD in the amount of $59,110 for a Family Self-Sufficiency (FSS) Coordinator position. In April 2010 the PHA was notified by HUD that the FSS application for the current year was approved at the requested allocation level of $190,035 (the largest allocation in the state) that will provide for two additional new positions (total of 3) fully funded by HUD to assist Section 8 households desiring to move toward self-sufficiency. The PHA continues to implement efficiency measures to improve operations including; reducing the risk of staff turnover, enhanced training programs for staff, full implementation of a highly efficient software system, streamlining paperwork and redefining process improvements measures program-wide from wait list registration to occupancy to improve service delivery. The PHA continues to subscribe to www.GoSection8.com website to assist tenants and property owners with important rental information, as well as improve the PHA's rental integrity performance measures.

Hillsborough County's Housing Choice Voucher Program budget authority established by HUD is 2,001 vouchers including the Family Unification Program vouchers. The PHA is able to assist 91% of the HUD established service level from the HUD allocation assignment for eligible households in need of for rental assistance in the jurisdiction. The PHA has set as one of its objectives this year to continue to increase service delivery to its optimal level through effective utilization of the authorized restricted reserve account and by applying for an additional 50 Family Unification vouchers, submitting an application for 100 Non-Elderly Disabled vouchers and increasing the Family Self-Sufficiency program enrollment to 500 families by 9/30/11. The PHA has 153 families currently in the FSS; 41 families with established escrow accounts.

The PHA conducts two Landlord 101 workshops, FSS Orientations and Homeownership programs annually. Staff meetings are conducted monthly with featured speakers from relative support services for the program such the Fair Housing Administrator, the Property Appraiser's Office, the Inspectional Services Contractor, and others.

(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"

The PHA has recently revised the PHA Plan to include the Family Unification Program as a significant amendment. The PHA will accept housing assistance referrals from the Florida Department of Children and Family Services for whom the lack of adequate housing is a primary factor in the imminent placement or delay of discharge of children in out-of home care.

Substantial Deviation/Modification is a required departure of routine operations and/or application of policies set forth in the housing agency's Administrative plan, resulting in alternate service delivery methodology and/or course of action.

It is the intent of the Hillsborough County Section 8 Housing Choice Voucher Program to adhere to the agency's mission, goals and objectives outlined in the five-year strategic plan. The plan, however, will be modified and re-submitted to HUD should a substantial deviation from program goals and objectives occur. Substantial deviations/modifications are subject to the same requirements as the original PHA Plan (including time frames). The housing agency must consult with the Resident Advisory Board (RAB), to ensure consistency with the Consolidated Plan of the jurisdiction, provide for a review of the amendments/modifications by the public during a 45-day public review period and may not adopt the deviation/modification until the housing agency has obtained approval from its Board of County Commissioners at a public meeting, as well as HUD approval prior to implementation. The housing agency defines substantial deviations as:

- Any change in the planned or actual use of federal funds for activities that would prohibit or redirect the housing agency's strategic goals of increasing the availability of decent, safe and affordable housing for the citizens of Hillsborough County.

- Changes to rent, or admission policies, or organization of the wait list or addition of non-emergency work items

- Any single or cumulative annual change in the planned or actual use of federal funds as identified in the five-year plan that exceeds 20% of annual program budget for the Section 8 program

11.0	**Required Submission for HUD Field Office Review**. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office. (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only) (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only) (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only) (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only) (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)

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, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide 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 is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 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 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 there under at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

***Instructions* form HUD-50075**

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information
Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory
Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type
Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia
Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan
Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan**.**

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

(a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.

(b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central off ice of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.

3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.

4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.

5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.

6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1**) development name and number; **2**) designation type; **3**) application status; **4**) date the designation was approved, submitted, or planned for submission, and; **5**) the number of units affected.

7. **Community Service and Self-Sufficiency.** A description of: (**1**) Any programs relating to services and amenities provided or offered to assisted families; (**2**) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**

8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.

10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.

11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.

12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

13. **Violence Against Women Act (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

(a) **Hope VI or Mixed Finance Modernization or Development.** **1**) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at:
http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm

(b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: **(1)** A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and **(2)** A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm

Note: This statement must be submitted to the exten**t that approved and/or pending** demolition and/or disposition has changed.

(c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: **1)** A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at:
http://www.hud.gov/offices/pih/centers/sac/conversion.cfm

(d) **Homeownership**. A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.

(e) **Project-based Vouchers**. If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report.
PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

(a) To submit the initial budget for a new grant or CFFP;

(b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and

(c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;

2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and

3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan
PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP).
Separate, written HUD approval is required if the PHA proposes to pledge any portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:
http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note:** Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note:** Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

(a) Progress in Meeting Mission and Goals. PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan**. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

(b) Significant Amendment and Substantial Deviation/Modification. PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

(c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

(a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*

(b) Form HUD-50070, *Certification for a Drug-Free Workplace* **(PHAs receiving CFP grants only)**

(c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* **(PHAs receiving CFP grants only)**

(d) Form SF-LLL, *Disclosure of Lobbying Activities* **(PHAs receiving CFP grants only)**

(e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* **(PHAs receiving CFP grants only)**

(f) Resident Advisory Board (RAB) comments.

(g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.

(h) Form HUD-50075.1**, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (Must be attached electronically for PHAs receiving CFP grants only).** See instructions in 8.1.

(i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* **(Must be attached electronically for PHAs receiving CFP grants only).** See instructions in 8.2.

R10-079

RESOLUTION

R10-079

PAT FRANK
Clerk of the Circuit Court
13th Judicial Circuit

MEMORANDUM

DATE: July 15, 2010

TO: Gil Machin, Section 8 Housing, Affordable Housing

FROM: Julia Poupart, Director, BOCC Records/VAB

SUBJECT: Resolution with Required Attachments and Certifications – Approving the Submission of the 2011 Annual Plan and Administrative Plan for the Section 8 Housing Choice Voucher Program to the U. S. Department of Housing and Urban Development (HUD)

Attached is an executed original of subject resolution, Resolution R10-079, approved by the Board on July 14, 2010.

We are providing an original to you for further handling.

bam
Attachment
cc: Board files (orig.)
U. S. Department of Housing and Urban Development via Affordable Housing
Jacqueline Gasper, County Attorney's Office
Paige Ward, County Attorney's Office
Sharon Sweet, BOCC Records

BOCC MEETING AGENDA SUPPLEMENT

Hillsborough County
Florida

MEETING DATE: July 14, 2010

D-2 Additional Material

AGENDA ITEM N°: D-2

R10-079 (2 orig)
White / Higginbotham
6 to 0
Norman out

This information will be uploaded and available on COIN.

Hillsborough County
Florida

Agenda Item Cover Sheet

Agenda Item N°. D-2

Meeting Date July 14, 2010

☐ Consent Section ☐ Regular Section ☒ Public Hearing

Subject:
Conduct a Public Hearing to Accept Comments and Approve the Proposed 2011 Administrative and Annual Plans for the Hillsborough County Section 8 Housing Choice Voucher Program as required by the U.S. Department of Housing and Urban Development (HUD).

Department Name: Affordable Housing Office

Contact Person: Valmarie H. Turner Contact Phone: 813-274-6673

Sign-Off Approvals:

Gene Gray	06/28/2010	Valmarie Turner	06/24/2010
Assistant County Administrator	Date	Department Director	Date
Eric Johnson	06/25/2010	Rachael Greenstein	06/24/2010
Management and Budget – Approved as to Financial Impact Accuracy	Date	County Attorney - Approved as to Legal Sufficiency	Date

Staff's Recommended Board Motion:

A) Conduct a Public Hearing to accept comments on the proposed 2011 Administrative and Annual Plans for the Hillsborough County Section 8 Housing Choice Voucher Program as required by the U.S. Department of Housing and Urban Development (HUD).

B) Approve 2011 Administrative and Annual Plans for the Hillsborough County Section 8 Housing Choice Voucher Program as required by the U.S. Department of Housing and Urban Development (HUD) and authorize submission to HUD by July 18, 2010 as required 75 days prior to commencement of the new program year; October 1, 2010.

Total program budget for Fiscal Year October 1, 2010 through September 30, 2011 is estimated at $16,798,248.

Financial Impact Statement:

Total program budget for Fiscal Year October 1, 2010 - September 30, 2011 is estimated at of $16,798,248 (AH3128).

Background:

The Hillsborough County Section 8 Housing Choice Voucher Program, herein referred as a public

housing agency (PHA), is fully funded by the U.S. Department of Housing and Urban Development (HUD) in the amount $16,798,248 to provide rental subsidy assistance for 1,993 eligible families in the designated jurisdiction. No cost sharing or local match is required. In accordance with 24 CFR 903.17, (a) The PHA's board of directors or similar governing body must conduct a public hearing to discuss the PHA plans (either the Annual and/or 5-Year Plan, as applicable), invite public comment on the plan(s), and (b) obtain approval of the plans by the PHA's Board. Not later than 45 days before the public hearing is to take place, the PHA must: (1) Make the proposed PHA plan(s), the required attachments and documents related to the plans, and all information relevant to the public hearing to be conducted, available for inspection by the public at the principal office of the PHA during normal business hours; and (2) Publish a notice informing the public that the information is available for review and inspection, that a public hearing will take place on the plan, and the date, time and location of the hearing. A Public Notice was published on April 30, 2010 in the Tampa Tribune, again on June 30, 2010 in the St. Pete Times - Hillsborough County Edition, and disseminated to all regional media resources (see attachments). The proposed Administrative and Annual Plans were provided for public inspection at the Section 8 office, 3620 W. Humphrey St., Tampa, FL 33614 from April 30 - July 13, 2010. Upon Board approval, the agency's plans, to include comments received at this Public Hearing, will be submitted to HUD by July 18, 2010 by the PHA as required 75 days prior to commencement of the new program year; October 1, 2010.

List Attachments:
Proposed 2011 Administrative and Annual Plans, Public Notice publication in Tampa Tribune 4/30/10, Public Notice publication in St. Pete Times-Hillsborough County Edition 6/30/10.

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS
Kevin Beckner
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White

Hillsborough County
Florida

Renée Francis Lee, County Attorney
Donald R. Odom, Deputy County Attorney

Managing Attorneys
Christine M. Beck
Robert E. Brazel
Hank Ennis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

TO: Midge Dixon, BOCC Records

FROM: Rachael L. Greenstein

DATE: July 14, 2008

SUBJECT: Resolution Approving the Submission of the Section 8 Housing Choice Voucher Program Plan

---

Enclosed please find Supplemental Agenda Item D-2 for the July 14, 2010 BOCC meeting. It has been approved as to form and legal sufficiency.

Please do not hesitate to contact me if I can be of further assistance.

RLG/pww

Enclosure

cc: Gil Machin, Manager, Housing and Shelter, HSS/Section 8

G:\Real Property & Development\Greenstein\Section 8\Memo 0f 071410 to Midge Dixon re D-2 Section 8 Housing Choice Voucher Program.doc

RECEIVED
2010 JUL 14 AM 10: 03
CLERK TO
THE BOARD (A)

601 E. Kennedy Boulevard, 27th Floor
Post Office Box 1110 · Tampa, Florida 33601
(813) 272-5670
Fax: (813) 272-5231
An Affirmative Action/Equal Opportunity Employer

RESOLUTION NO R10-079

A RESOLUTION APPROVING THE SUBMISSION OF THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM PLAN WITH REQUIRED ATTACHMENTS AND CERTIFICATIONS.

Upon motion by Commissioner White, seconded by Commissioner Higginbotham, the following resolution was adopted by a vote of 6 to 0, Commissioners _____ voting "No":

WHEREAS, the Public Housing Agency, hereinafter referred to as "PHA", of Hillsborough County authorized the Chairman to approve the submission of the Annual Plan and Administrative Plan, hereinafter referred to as the "Plan", for PHA fiscal year beginning 10/01/2010, of which this document is a part, have made the following certifications and agreements with the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", in connection with the submission of the Plan and implementation thereof; and

WHEREAS, the Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located; and

WHEREAS, the Plan contains a certification by appropriate State or local officials stating the Plan is consistent with the Consolidated Plan, including a certification requiring the preparation of an Analysis of Impediments to Fair Housing Choice for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the Consolidated Plan; and

WHEREAS, the PHA has established; 1) a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, 2) consulted with this Board or Boards in developing the Plan, and 3) considered the recommendations of the Board or Boards (24 CFR § 903.13); and

WHEREAS, the PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations; and

WHEREAS, the PHA made the proposed 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 Plan and invited public comment; and

WHEREAS, the PHA will carry out the Plan in conformity with the Civil Rights Act of 1964, the Fair Housing Act, the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990; and

WHEREAS, 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 those impediments in a reasonable fashion in view of the resources available, and will 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; and

WHEREAS, the PHA Plan includes a policy for tenant based waiting lists; and

WHEREAS, the PHA regularly submits required data to HUD in an accurate, complete and timely manner (as specified in PIH Notice 99- 2); and

WHEREAS, the PHA will comply with the Age Discrimination Act of 1975, 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; and

WHEREAS, the PHA will comply with the requirements of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very- Low Income Persons, 24 CFR Part 135; and

WHEREAS, the PHA has submitted with the Plan a drug free workplace certification as required by 24 CFR Part 24, Subpart F; and

WHEREAS, the PHA has submitted with the Plan a restriction on lobbying certification required by 24 CFR Part 87, together with any required restrictions on payments to influence Federal Transactions disclosure forms, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24; and

WHEREAS, the PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR Part 5; and

WHEREAS, the PHA will provide HUD or the responsible entity any documentation that HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58; and

WHEREAS, with respect to public housing the PHA will comply with Davis-Bacon and any HUD determined wage rate requirements under the United States Housing Act of 1937 (Section 12) and the Contract Work Hours and Safety Standards Act; and

WHEREAS, the PHA will keep records in accordance with 24 CFR Part 85 and facilitate an effective audit to determine compliance with program requirements; and

WHEREAS, the PHA will comply with the Lead- Based Paint Poisoning Prevention Act and 24 CFR Part 35; and

WHEREAS, the PHA will comply with the policies and procedures set forth in the Plan as approved by this Board;

WHEREAS, the PHA will undertake only activities and programs covered by the Plan in a manner consistent with the Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in the Plan; and

WHEREAS, all attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection; and

WHEREAS, all required supporting documents have been made available for public inspection along with the Plan and attachments at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hillsborough County, Florida, in regular meeting assembled this 14th day of July, 2010:

1. That the Board of County Commissioners hereby approves the PHA Plan and Attachments and authorizes submission to HUD.

Hillsborough County Section 8 Housing Choice Voucher Program	FL089
PHA Name	PHA Number

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Pat Frank, Clerk of the Circuit Court of Hillsborough County, do hereby certify that the above and foregoing resolution is a true and correct copy of a resolution adopted by the Board of County Commissioners of Hillsborough County, Florida, in its regular public meeting of July 14, 2010, as the same appears on record in Minute Book 410 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 15th day of July 2010.

PAT FRANK, CLERK

By: Linda K. Dig

Deputy Clerk

Approved as to form and legal sufficiency:

By: Rachael L. Greenstein
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS HILLSBOROUGH COUNTY

PHA Certifications of Compliance with PHA Plans and Related Regulations	U.S. Department of Housing and Urban Development Office of Public and Indian Housing Expires 4/30/2011

HILLSBOROUGH COUNTY-SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-*Year and 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 n/a *5-Year and/or* X *Annual PHA Plan for the PHA fiscal year beginning* 10/1/10*, hereinafter referred to as" the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed 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 Plan and invited public comment.
6. The PHA certifies that it will carry out the 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.
7. 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 those 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.
8. For PHA Plan that includes a policy for site based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
   - 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(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. 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.
11. 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.

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 the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
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, the Residential Lead-Based Paint Hazard Reduction Act of 1992, 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), 2 CFR Part 225, 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 Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the 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 PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification 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 duly 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.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

HILLSBOROUGH COUNTY SECTION 8 HCVP

PHA Name

FL089

PHA Number/HA Code

N/A 5-Year PHA Plan for Fiscal Years 20____ - 20____

X Annual PHA Plan for Fiscal Years 20 10 - 20 11

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment 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
KEN HAGAN	CHAIRMAN HILLSBOROUGH COUNTY B.O.C.C.
Signature: Ken Hagan	Date: July 14, 2010

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

HILLSBOROUGH COUNTY - SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Program/Activity Receiving Federal Grant Funding

SECTION 8 VOUCHERS - RENTAL ASSISTANCE SUBSIDY

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 Federalagency 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 accompaniment 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
Ken Hagan	Chairman, Hillsborough County B.O.C.C.
Signature X Ken Hagan	Date July 14, 2010

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

OMB Approval No. 2577-0157 (Exp. 3/31/2010)

Certification of Payments to Influence Federal Transactions

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

Applicant Name

HILLSBOROUGH COUNTY - SECTION 8 HOUSING CHOICE VOUCHER PROGRAM - FL089

Program/Activity Receiving Federal Grant Funding

SECTION 8 VOUCHERS - RENTAL ASSISTANCE SUBSIDY

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment 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
Ken Hagan	Chairman, Hillsborough County B.O.C.C.
Signature	**Date (mm/dd/yyyy)**
Ken Hagan	07/14/2010

Civil Rights Certification	**U.S. Department of Housing and Urban Development** Office of Public and Indian Housing **Expires 4/30/2011**

Civil Rights Certification

Annual Certification and Board Resolution

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 Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency 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, and will affirmatively further fair housing.

HILLSBOROUGH COUNTY SECTION 8 HCVP	FL089
PHA Name	PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment 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 Ken Hagan	Title Chairman, Hillsborough County B.O.C.C.
Signature Ken Hagan	Date July 14, 2010

Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing Expires 4/30/2011

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

I, Ken Hagan the Chairman, Hillsborough County B.O.C.C. certify that the Five Year and Annual PHA Plan of the HILLSBOROUGH COUNTY SECTION HCVP is consistent with the Consolidated Plan of HILLSBOROUGH COUNTY prepared pursuant to 24 CFR Part 91.

Ken Hagan 7/14/2010

Signed / Dated by Appropriate State or Local Official

BOARD OF COUNTY COMMISSIONERS
Kevin Beckner
Ken Hagan
Tim Norman
Kevin White

Hillsborough County
Florida
Office of the Interim County Administrator
Michael S. Merrill

ADMINISTRATORS
Carl S. Grandes
Edith M. Stewart

July 16, 2010

Mr. Jose Cintron
U.S. Department of Housing and Urban Development
Region IV, Miami Field Office
Brickell Plaza Federal Building
909 SE First Avenue, Rm. 500
Miami, FL 33131-3042

RE: Annual Plan Submission – Resident Advisory Board

The Annual Plan for the Hillsborough County Section 8 Housing Choice Voucher Program – FL089, was presented to the following program participants comprising the PHA's Resident Advisory Board (RAB) for comments on the 2011 plan:

1. Mary Jo Brewer
2. Heila Gooden
3. Kiesha Booquet
4. Patirica Williams
5. Tonya Hamilton

All comments were favorable of the PHA's Plan including the Progress Report, Plan Updates and Strategy for Addressing Housing Needs of the designated jurisdiction. All comments received were accepted and reviewed by the senior staff and are enclosed for submission with the 2011 Annual Plan. In addition, the RAB members were complimentary regarding the PHA's intiative to seek additional funding opportunities for Non-Elderly Disabled Persons and Family Unification. Review and analysis conducted of all comments did not require revisions or modifications to the plan. The Annual Plan with supporting documents as well as revisions to the PHA's Administrative Plan were approved in final form by our Hillsborough County Board of County Commissioners at their July 14, 2010 Regular Board meeting.

Sincerely,

Gil Machin, MPA
Operations Manager
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Enclosure (1): RAB Comments

BOARD OF COUNTY COMMISSIONERS
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Hillsborough County
Section 8 Housing Choice Voucher Program (FL089)

2010- 2011 Resident Advisory Board Members:

Mary Jo Brewer
Sheila Gooden
Keisha Booquet
Patricia Williams
Tonya Hamilton

Resident Advisory Board Comments

1. **Resident Comment**: Ms. Mary Jo Brewer
"As before, I read each page. I feel Hillsborough County Housing Authority has covered complete and necessary rules and regulations to benefit all parties to the Choice Voucher Program (or) other. I'm grateful to God for your assistance. May he bless the H.C.H.A. Having worked under HUD regulations and a property manager for many years, I'm with gratitude to volunteer as a Resident Advisor."

PHA Response: The PHA acknowledged Ms. Brewer's comments and expressed appreciation.

2. **Resident Comment**: Ms. Tonja Hamilton
"I have reviewed the packet that was sent to me and at this time I have no comments, questions or recommendations for change. I would like to thank you for allowing me to participate on the committee and would like to volunteer to be on the committee again next year if the opportunity is available."

PHA Response: The PHA acknowledged Ms. Hamilton's comments and expressed appreciation.

3. **Resident Comment**: Ms. Patricia Williams
"Residents appreciate the paperwork enabling the PHA to contact designated persons in case of an emergency. Section 8 clients are happy that the government is helping with foreclosures and that one must be an American citizen to get rental assistance."

PHA Response: The PHA acknowledged Ms. Williams' comments and expressed appreciation.

Post Office Box 1110 • Tampa, Florida 33601
www.hillsboroughcounty.org

ADMINISTRATIVE PLAN

FOR THE

HOUSING CHOICE VOUCHER PROGRAM SECTION 8

Hillsborough County
Health & Social Services Department

October 1, 2000	
Revision Date	Revision Date
10/01/2001	10/01/2006
10/01/2002	10/01/2007
10/01/2003	10/01/2008
10/01/2004	10/1/2009
10/01/2005	10/1/2010
01/01/2006	

For Approval by the Hillsborough County Board of County Commissioners:
Board Meeting Scheduled for July 14, 2010

For Submittal to HUD:
No later than July 18, 2010

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Summary of Main Revisions to Administrative Plan

Effective October 1, 2010

1. STATEMENT OF POLICIES AND OBJECTIVES (Chapter 1)

   ADDED: c. Submit application for HUD's Non-Elderly with Disabilities program. The PHA qualifies for 100 vouchers if selected for award. PHA meets primary qualifications criterion of "High Performer" rating on SEMAP, currently serving above the minimum quota for this population, and supportive services for Non- Elderly with Disabilities are provided and/or accessible through County government agencies and partnering non-profit agencies.

2. APPLYING FOR ADMISSION (Chapter 3)

   ADDED: a. Families who wish to apply for the Housing Choice Voucher Program must complete a pre-application on line during open enrollment. Pre-applications will be made available in an accessible format upon request from persons with disabilities.

   The pre-application will be automatically recorded according to date, time and preference as each application is submitted via internet online registration until such time as needed for processing.

3. SUPPLEMENTAL INFORMATION TO APPLICATION (Chapter 3)

   ADDED: PHA's must provide applicants as part of their application, the option to include information on an individual or organization that may be contacted to assist in providing delivery of services or special care to applicants who become tenants and to assist with resolving any tenancy issues arising during tenancy. PIH 2009-36 (HA)

4. WHAT YOU SHOULD KNOW ABOUT EIV (Chapter 3)

   ADDED: A Guide for Applicants & Tenants of Housing Choice Voucher Programs to educate families about EIV and inform them of how it affects their family.

5. VERIFICATION PROCEDURES (Chapter 7)

   ADDED: Procedure process for Verification of Social Security Numbers for all family members, in accordance with PIH 2010-3(HA).

6. HOMELESS PROGRAM (Chapter 7)

   REMOVED: PHA doesn't have targeted Section 8 vouchers for homeless.

7. OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS (Chapter 10)

   ADDED: Mandatory Direct Deposit for landlords effective July 1, 2010.

8. DENIAL OR TERMINATION OF ASSISTANCE (Chapter 15)

   ADDED: Procedure for Notice of Foreclosure, in accordance with PIH 2009-52, "Protecting Tenants at Foreclosure Act"

9. OWNER OR FAMILY DEBTS TO THE PHA (Chapter 15)

   ADDED: Reporting through EIV debts owed to public housing agencies and terminations of housing assistance, in accordance with HUD regulations at 24 CFR 5.233.

Chapter 1
STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for the County of Hillsborough by the Department of Health & Social Services through its Section 8 Housing Choice Voucher Program.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Agency (PHA) staff shall be in compliance with the PHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the PHA is Hillsborough County in west Central Florida, exclusive of the municipality of Plant City, Florida.

An agreement has been established with the Tampa Housing Authority to enable tenants to procure residences within the two designated service districts without need of portability.

A. HOUSING AUTHORITY MISSION STATEMENT AND HISTORICAL INFORMATION ON THE AGENCY

The mission of the Hillsborough County Section 8 Program is to provide rental assistance for low-income individuals and families who meet income eligibility requirements for affordable, safe, decent and sanitary housing in privately owned dwellings located throughout the County through Section 8, a federally-funded program through the Department of Housing and Urban Development (HUD).

Hillsborough County has operated the Section 8 Program for over 20 years. The first year 188 households were assisted in obtaining decent, safe and affordable rental housing. Currently we assist approximately 2,000 households per year. A Family Self-Sufficiency Program is administered within Section 8. This program is aimed at helping households become self-sufficient within 5 years. Families completing the program are eligible to receive a cash payment of escrowed funds administered by the County on their behalf while they were in the process of becoming self-sufficient. Other Section 8 programs that are currently administered by the PHA are the: 1.) Family Unification Program, and 2.) HOME – Tenant-Based Rental Assistance Program. In prior years the PHA was awarded 100 Mainstream Vouchers for families with disabilities that are not elderly and a small homeless project limited to 28 vouchers. These two programs are currently unfunded.

B. LOCAL GOALS [24 CFR 982.1]

Part I:

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

1. PHA Goal: Expand the supply of assisted housing

Objectives:

1.1 Apply for additional rental vouchers:

1.2 Leverage private or other public funds to create additional housing opportunities:

A. Contract with the Hillsborough County Affordable Housing Office to provide Tenant Based Rental Assistance Vouchers for the homeless and at-risk of homeless populations, to include victims of domestic violence; accomplished July 1, 2009 with award of two-year grant in the amount of $350,000 to serve 25 families per fiscal year. This project continues to demonstrate growt

h opportunities.

B. Application submitted to HUD January 2009 for Family Unification Funds to provide rental assistance to families for who lack of adequate housing is a primary factor in the separation of children from their families and/or to assist youths aging out of foster care lacking adequate housing. Task accomplished July 2009 with recurring funding for 50 vouchers. The PHA has submitted an application for 50 additional vouchers; award decision/announcement projected for May 2010.

C. Submit application for HUD's Non-Elderly with Disabilities program. The PHA qualifies for 100 vouchers if selected for award. PHA meets primary qualifications criterion of "High Performer" rating on SEMAP, currently serving above the minimum quota for this population, and supportive services for Non- Elderly with Disabilities are provided and/or accessible through County government agencies and partnering non-profit agencies.

2. PHA Goal: Improve the quality of assisted housing

Objectives:

2.1 Improve voucher management: (SEMAP score)

- The PHA received "High Performer" rating for the 2008-2009 program year.

2.2 Concentrate on efforts to improve specific management functions:

- Process Annual Re-exams in a timely manner.
- Maintain highest level of Lease-up rate with available funds

3. PHA Goal: Increase assisted housing choices

Objectives:

3.1 Provide voucher mobility counseling

3.2 Conduct outreach efforts to potential voucher landlords

3.3 Increase voucher payment standards

3.4 Implement voucher homeownership program:

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

4. PHA Goal: Promote self-sufficiency and asset development of assisted households

Objectives:

4.1 Provide or attract supportive services to improve assistance recipients' employability

4.2 Provide or attract supportive services to increase independence for the elderly or families with disabilities.

4.3 Increase the number of participants in the Family Self-Sufficiency Program and increase the number with escrow accounts.

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

5. PHA Goal: Ensure equal opportunity and affirmatively further fair housing

Objectives:

5.1 Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability:

5.2 Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status, and disability:

5.3 Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:

Other PHA Goals and Objectives: Part II

The PHA has the following goals for the program:

- To assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.
- To attain and maintain a high level of standards and professionalism in our day-to-day management of all program components.

- To administer an efficient, high-performing agency through continuous improvement of the PHA's support systems and commitment to our employees and their development.

- To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.

- To ensure that all units meet Housing Quality Standards and families pay fair and reasonable rents.

- To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.

- To promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low income families.

- To promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The Housing Choice Voucher Program was implemented on 10/1/99, and pre-merger Housing Voucher tenancies and Over Fair Market Rent tenancies converted automatically to Housing Choice Voucher tenancies on that date. However, all existing contracts remained in effect until the family's second reexamination after the merger date or when a new lease is executed, whichever came first.

The PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The PHA will revise this Administrative Plan as needed to comply with changes in HUD regulations. The original Plan and any changes must be approved by the Board of County Commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

This Administrative Plan is a supporting document to the PHA Agency Plan, and is available for public review as required by CFR 24 Part 903.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements

- 24 CFR Part 8: Nondiscrimination

- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

Local rules that are made part of this Plan are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d) (21)]

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not exceed $1,000 per occurrence nor more than $25,000 in the aggregate for each fiscal year without the prior approval of the Hillsborough County Board of Commissioners.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

F. TERMINOLOGY

The Housing Agency of Hillsborough County is referred to as "PHA" or "Housing Authority" or "Housing Agency" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 program is also known as the Housing Choice Voucher Program. The Housing Choice Voucher Program refers to the merged program between the Regular Tenancy Certificate, Over-FMR Tenancy and the Voucher programs effective 10/01/99.

"HQS" means the Housing Quality Standards required by regulations as enhanced by the PHA.

"Failure to Provide" refers to all requirements in the Family Obligation list. See "Denial or Termination of Assistance" chapter.

"Merger date" refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher programs into the Housing Choice Voucher Program.

See Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d) (6)]

It is the policy of the Housing Agency to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The PHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial status, or disability.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. 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 briefing packet and available upon request at the front desk.

All Housing Agency staff will be required to attend fair housing training and be informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted throughout the Housing Agency office, including in the lobby and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organization to keep current with new developments.

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.

The office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by Hillsborough County by calling 813-272-5900.

H. NON-DISCRIMINATION

Federal laws require PHA's to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Reauthorization Act of 2005 (VAWA)
- When more than one civil rights law applies to a situation, the laws will be read and applied together.
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

No state or local nondiscrimination laws or ordinance apply.

I. REASONABLE ACCOMMODATIONS POLICY [24 CFR 100.202]

It is the policy of this PHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the PHA will treat a person differently than anyone else. The PHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on PHA forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment; or
- Being regarded as having such an impairment

Note: This is not the same as the HUD definition used for purposes of determining allowances.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a professional third party, competent to make the assessment, provide written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the PHA finds that the requested accommodation creates an undue administrative or financial burden, the PHA will either deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA (i.e., waiving a family obligation).

An undue financial burden is one that, when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the PHA.

The PHA will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Verification of Disability

The PHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

Applying for Admission

All persons who wish to apply for any of the PHA's programs must submit a pre-application form, as indicated in our public notice. Pre-Applications will be made available in an accessible format upon request from a person with a disability. No verification is required at the time of the pre-application.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

Internet applications must be received during the published open enrollment period and are date/stamped upon receipt at the Section 8 Office for waiting list position purposes.

The full application is completed when the name is selected from the waiting list, by the applicant, unless assistance is needed, or a request for accommodation is requested by a person with a disability. Applicants will then be interviewed by PHA staff to review the information on the full application form and to initially verify eligibility. Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at this time. The full application packet will also include questions asking all applicants whether reasonable accommodations are necessary.

J. TRANSLATION OF DOCUMENTS

The Housing Agency has bilingual staff to assist non-English speaking families in Spanish and translates documents into Spanish as necessary.

In determining whether it is feasible to provide translation of documents written in English into other languages, the PHA will consider the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.
- Estimated cost to PHA per client of translation of English written documents into the other language.
- The availability of local organizations to provide translation services to non-English speaking families.
- Availability of bilingual staff to provide translation for non-English speaking families.

K. MANAGEMENT ASSESSMENT OBJECTIVES (SEMAP)

The PHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators.

- ✓ Selection from the Waiting List
- ✓ Reasonable Rent
- ✓ Determination of Adjusted Income
- ✓ Utility Allowance Schedule
- ✓ HQS Quality Control Inspections
- ✓ HQS Enforcement
- ✓ Expanding Housing Opportunities
- ✓ FMR/exception rent & Payment Standards
- ✓ Annual Re-examinations
- ✓ Correct Tenant Rent Calculations
- ✓ Pre-Contract HQS Inspections
- ✓ Annual HQS Inspections
- ✓ Lease-up
- ✓ Family Self-Sufficiency Enrollment and Escrow Account Balances
- ✓ Bonus Indicator Deconcentration

Supervisory quality control reviews will be performed by a PHA Supervisor or other qualified person other than the person who performed the work, as required by HUD, on the following SEMAP factors:

- ✓ Selection from the waiting list
- ✓ Rent reasonableness
- ✓ Determination of adjusted income
- ✓ HQS Enforcement
- ✓ HQS Quality Control
- ✓ The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor.

L. RECORDS FOR MONITORING PHA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the PHA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and/or assess the PHA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

Quality Control File Reviews: In addition to the required SEMAP documentation**,** supervisory staff or other qualified person audit the following functions:

- Not less than 5% of reexaminations
- Not less than 5% of new applications

Record Retention:

- ✓ **Active Files:** The Housing Agency retains particular file items as noted below:

Required Form	Time Frame
Original Application forms and related documents	Duration of participation
Form 50058	Duration of participation
Privacy Act Form	Duration of participation
HUD 9886 Release of Information	Duration of participation
Lease-HAP Contract	Duration of participation
Voucher	Duration of participation

- ✓ **Inactive Files:** The PHA stores inactive or terminated files for a maximum of 1 year before sending them to the County's Warehouse for longer storage or disposal. The PHA maintains files indefinitely when money is owed to the PHA.

M. PRIVACY RIGHTS [24 CFR 982.551 and 24 CFR 5.212]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/PHA will release family information.

The PHA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability is confidential personal information and must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the Supervisor.

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.

N. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the PHA's waiting list is open, the PHA will publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, minority media, and by other suitable means. Notices will also be provided in Spanish.

To reach persons who cannot read the newspapers; the PHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The PHA will also utilize public service announcements.

All new participants will be informed of the Violence Against Women's Act (VAWA) of 2005 at the Section 8 Program's orientation and will be included annually in the re-certification packet. Current participants will be informed of the VAWA by letter the first year of the VAWA Act. It will be incorporated in the PHA Administrative Plan.

O. OWNER OUTREACH [24 CFR 982.54(d) (5)

The PHA makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

The PHA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families.

The PHA will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Agency's jurisdiction to ensure greater mobility and housing choice to very low income households. The lists will be provided at briefings.

The PHA may periodically:

- Develop working relationships with owners and real estate broker associations.
- Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements.
- Explain the program, including equal opportunity requirements and nondiscrimination requirements, including Fair Housing Amendments Act of 1988, Americans with Disabilities Act, and Violence Against Women Reauthorization Act of 2005, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families. This outreach will occur through notification by letter correspondence to current landlords as well as attached to all Requests for Tenancy Approval Forms. Documentation concerning VAWA will also be presented at the Landlord 101 Sessions, semi-annually.

Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

This Chapter defines both HUD and the PHA's criteria for admission and denial of admission to the program. The policy of this PHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The PHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the PHA pertaining to their eligibility.

A. ELIGIBILITY FACTORS [982.201(B)

The PHA accepts applications only from families whose head or spouse is at least 18 years of age, or emancipated minors with legal capacity to enter into a lease under State/Local law.

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the PHA.

The HUD eligibility criteria are:

- An applicant must be a "family";
- An applicant must be within the appropriate Income Limits;
- An applicant must furnish Social Security Numbers for all family members age six and older;
- An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification where required; and
- At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria.

The Family's initial eligibility for placement on the waiting list is not made in accordance with the eligibility factors. The eligibility factors are verified and considered when the person is selected from the waiting list.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a Voucher.

B. FAMILY COMPOSITION [24 CFR 982.201(c)]

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A "family" includes a family with a child or children. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The PHA determines if any other group of persons qualifies as a "family".

A single person family may be:

- An elderly person.
- A displaced person.
- A person with a disability. (Individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence).
- Any other single person.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

Head of Household

The head of household is the **adult** member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Spouse of Head

Spouse means the husband or wife of the head of household.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aid:

- Is determined by the PHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
- 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 aides are not subject to Non-Citizen Rule requirements.
- Live-in aides may not be considered as a remaining member of the tenant family.

Procedures for determining Live-in aide or family member status:

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

There is a rebuttal presumption that a relative is a family member, not a live-in aide. The family could rebut this presumption by certifying that:

- The person is capable of and essential to providing the required care.
- The person has never been a member of the household while the family was receiving housing assistance, nor has the family member made regular contributions to the household while the family was receiving housing assistance.
- There is no reason for the person to live in the unit other than to provide care for the disabled household member.
- The person intends to maintain separate finances and live independently from the assisted household except to provide the necessary care and will not be considered a remaining family member.
- The housing agency then applies a preponderance of the evidence standard in determining whether the family had met their burden of proof and provides an opportunity to appeal an unfavorable decision to an informal hearing officer.

If a current member wishes to switch to live-in aide status, it would be difficult to say that they currently meet the qualifications, because as a family member they were acting as part of a family, contributing to the household, sharing expenses, and living there as part of the family unit.

A live-in aide may not switch to a family member, unless there are mitigating circumstances such as marriage between the live-in aide and a family member.

Live-in aide's spouse and/or children:

With the approval of the PHA, the live-in aide may also bring their spouse and children into the unit so long as the addition will not overcrowd the unit or require a larger bedroom subsidy than the one extra bedroom required for the live-in aide. No additional income or allowances for the family would be applied.

Annual recertification of necessity and presence of live-in aide:

Once a live-in aide status is approved, the housing agency requires an annual recertification that the disability still exists and that a live-in aide is still present in the unit. If the condition that merits the live-in aide is verifiable by appropriate professional as being of a permanent nature, the annual recertification requirement may be waived unless there is a change of status in that condition.

Live-in aide – separate addendum to the lease (to recognize by existence but qualify status) **& PHA approval of Live-in aide individual:**

The live-in aide is not a family member and therefore is present in the unit at the convenience of the disable person. The housing agency requires that the live-in aide sign an addendum thereby making clear that the person is present pursuant to an employment agreement and has no property interest in the unit. The landlord must be notified of the identity and presence of the live-in aide. The landlord may screen the live-in aide for tenant suitability and the owner can hold the assisted household responsible for the conduct of the live-in aide, and the family is accountable for any lease violations by the live-in aide.

The PHA must also approve who the actual live-in aide person is that is going to live in the unit. A Live in Aide may only reside in the unit with the approval of the PHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. A Live-in aide may be an adult or an emancipated minor. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

At any time, the PHA will 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;

The person commits drug-related criminal activity or violent criminal activity; or

The person 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.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the PHA will make the decision taking into consideration the following factors:

- Which family member applied as head of household.
- Which family unit retains the children or any disabled or elderly members.
- Restrictions that were in place at the time the family applied.
- Role of domestic violence in the split.
- 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 or Section 8 assistance for failure to supply information requested by the PHA.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

There will be a self-certification required of families who claim joint custody or temporary guardianship.

When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

C. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

To be eligible for assistance, an applicant must have an Annual Income at the time of admission that does not exceed the very low income limits for occupancy established by HUD.

To be income eligible, the family may be under the low-income limit in any of the following categories [24 CFR 982.201(b)]:

- A very-low or extremely-low income family.
- A very-low or extremely-low income family that is 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 of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.
- A very-low or extremely-low income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
- A very-low or extremely-low income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A very-low or extremely-low income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
- A very-low or extremely-low income family or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.
- A very-low or extremely-low income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

To determine if the family is income-eligible, the 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 and offered an informal review.

Portability: For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving PHA in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for **all** family members prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

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

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

All members ineligible. Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations at 24 CFR 5.522. Not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Refer to Chapter 7 for verification requirements and rules concerning delay, denial or termination of assistance for Citizenship rule requirements.

Verification of Status Before Admission

The PHA will not provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

At the time an applicant is selected from the waiting list, the PHA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

- A family will not be admitted to the program if any member of the family has been evicted from federally assisted housing for serious violation of the lease within the past five years.

- A family will be denied admission to the program if any member of the family fails to sign and submit consent forms for obtaining information required by the PHA, including Form HUD-9886.

- The family must not have violated any family obligation during a previous participation in the Section 8 program for five years prior to final eligibility determination.

- The PHA will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.

- The family must be in good standing regarding any current payment agreement made with another PHA for a previous debt incurred, before this PHA will allow participation in its Section 8 program. If there is not a repayment agreement in place or if it is in default, the family must pay the debt in full.

- The PHA will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in the "Denial or Termination of Assistance" chapter.

- If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).

G. TENANT SCREENING [24 CFR 982.307)]

The PHA will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

The PHA will not screen family behavior or suitability for tenancy. The PHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982.307(a) (3)]

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
- Compliance with other essential conditions of tenancy.

The PHA will advise families how to file a complaint if they have been discriminated against by an owner. The PHA will advise the family to make a Fair Housing complaint. The PHA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

H. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

I. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status. See "Complaints and Appeals" chapter for additional information about reviews and hearings.

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

Admission to the program may not be based on:

- Where a family lives prior to admission to the program.
- Where the family will live with assistance under the program.
- Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
- Discrimination because a family includes children.
- Whether a family decides to participate in a family self sufficiency program; or other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.
- Whether or not a qualified applicant has been a victim of domestic violence, dating violence, or stalking.

K. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING (PUB.L. 109-162)

The Violence Against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Specifically, Section 606(1) of VAWA adds the following provision to Section 8 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the housing choice voucher program:

- That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate reason for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission.

Definitions:

As used in VAWA:

- The term 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 shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- The term "*dating violence"* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the people involved in the relationship

- The term "*stalking"* means:
  - 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

- The term immediate family member means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
  - Any other person living in the household of that person and related to that person by blood and marriage.

Notification and Victim Documentation

The PHA acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history that would warrant denial under the PHA's policies. Therefore, if the PHA makes a determination to deny admission to an applicant family, the PHA will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking.
The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents or actual or threatened domestic violence, dating violence, or stalking and one of the following:

- A police or court record documenting the actual or threatened abuse, or
- A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal review or must request an extension in writing at that time. If the applicant so requests, the PHA will grant an extension of ten (10) business days, and will postpone scheduling the applicant's informal review until after it has received documentation provided by the applicant, if the PHA determines the family is

eligible for assistance, no informal review will be scheduled and the PHA will proceed with admission of the applicant family.

Perpetrator Removal Or Documentation Of Rehabilitation

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the PHA will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the assisted unit or (b) that the family provides documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.

If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing that abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation. This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

PHA Confidentiality Requirements

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provide to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in a eviction proceeding, or (c) is other wise required by applicable law.

Chapter 3

APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

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 are 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 limitations on who 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. OVERVIEW OF THE APPLICATION TAKING PROCESS

The application process will involve two phases. The first is the "initial" application for assistance (referred to as a pre-application). This first phase results in the family's placement on the waiting list.

The purpose of pre-application taking is to permit the PHA to gather information and determine placement on the waiting list. The pre-application will contain questions designed to obtain pertinent program information.

Families who wish to apply for the Housing Choice Voucher Program must complete a pre-application on line during open enrollment. Pre-applications will be made available in an accessible format upon request from persons with disabilities.

The pre-application will be automatically recorded according to date, time and preference as each application is submitted via internet online registration until such time as needed for processing.

The second phase is the "final determination of eligibility" (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the PHA ensures that verification of all HUD and PHA eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher. Any preferences claimed by the family are verified to ensure accuracy of the family's position on the waiting list.

B. OPENING/CLOSING OF APPLICATION TAKING [24 CFR 982.206, 982.54(d)(1)]

The PHA will utilize the following procedures for opening the waiting list:

- When the PHA opens the waiting list, the PHA will advertise through public notice in the local newspaper.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the PHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

If the waiting list is open, the PHA will accept pre-applications from any family unless there is good cause for not accepting the application, such as inappropriate or abusive behavior toward PHA staff during pre-application process.

Closing the Waiting List

The PHA only accepts applications during specifically defined open enrollment periods. The waiting list is closed all other times.

Exceptions will be granted as follows:

1. Disaster Survivors (families and individuals) affected by a natural disaster or violent acts of terror, as defined by national or local standards.
2. Families displaced through condemnation or other government action.
3. Victims of domestic violence, dating violence, or stalking who are displaced as defined in this Administrative Plan and/or as referred by recognized local agent of a domestic violence service provider.
4. Homeless families referred by a certified homeless agency if a voucher allocated for the homeless is available and the family meets the homeless program guidelines.

The open enrollment period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 24 months.

Limits on Who May Apply

When the waiting list is open any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete a pre-application except as noted above (i.e. abusive behavior toward staff during pre-application process.)

When the pre-application is submitted on line to the PHA, it establishes the family's date and time of application and any preferences claimed for placement order on the waiting list.

C. "INITIAL" APPLICATION PROCEDURES (PRE-APPLICATION) [24 CFR 982.204(b)]

The PHA will utilize online registration for pre-application. The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone or mailed to the disabled applicant in an accessible format as requested.

The purpose of the pre-application is to permit the PHA to establish a waiting list “pool” of potentially eligible and interested families in the Section 8 program, and to determine a prioritization placement on the waiting list for the applicants. Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Pre-applications will not require an interview. The information on the pre-application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

D. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

Once the pre-application is received on line, the family will be able to find out their status by going on line. Applicants are required to inform the PHA in writing of changes in address and preferences claimed. Applicants are also required to respond to requests from the PHA to update information on their application and to determine their interest in assistance.

E. TIME OF SELECTION [24 CFR 982.204]

When funding is available, families will be selected from the waiting list in their determined sequence based on preference, regardless of family size, subject to income targeting requirements.

When there is insufficient funding available for the family at the top of the list, the PHA will not admit any other applicant until funding is available for the first applicant.

Based on the PHA's turnover and the availability of funding, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification, on a first ready first serve basis.

F. COMPLETION OF A FULL APPLICATION

All preferences claimed on the pre-application or while the family is on the waiting list will be verified after the family is selected from the waiting list, and during the application process.

The qualification for preference must exist at the time of verification, when the family is selected from the waiting list and not at the time the preference was claimed.

Applicants selected from the waiting list will be required to complete a full application unless a request for accommodation is made by a person with a disability. The PHA will conduct an eligibility pre-screening based on the information on the full application and verification submitted. If determined pre-eligible the applicant will then be interviewed by PHA staff to review the information on the full application form. If determined ineligible during the pre-screening, a denial notice will be mailed to the applicant stating the reason for the denial and the right to request an informal review.

Applicants, who fail to respond to the full application “invitation letter” or to requests for more information, will be mailed a warning letter before the intent to deny assistance.

For persons with a disability, the full application will be mailed/ communicated as requested as an accommodation.

Requirement to Attend Briefing and Interview

The full interview process consists of two parts and is referred to as “Orientation.” Part one is a group video; Part two consists of an interview with a Housing Counselor. The PHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information, which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs which may be available.

The head of household is required to attend the interview. Exceptions may be made by the Supervisor or Manager on a case-by-case basis to allow an adult representative to attend instead of the head of household.

A maximum of two orientation appointments are allowed per applicant. If an applicant fails to appear for their first orientation appointment without prior approval of the PHA, they will automatically be re-scheduled by mail. If an applicant fails to appear for their second and final orientation appointment, they will be sent a denial notice with the right to an informal review.

The orientation session starts promptly at the scheduled time. An applicant who arrives late will not be allowed in the orientation room, unless otherwise approved by Supervisor or Manager.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See "Complaints and Appeals" chapter.)

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the PHA**,** the declarations and consents related to citizenship/immigration status and any other documents required by the PHA. Applicants will be required to sign specific verification forms for information, which is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information. The family will be given 10 business days to supply the information.

If the information is not supplied in this time period, the PHA will provide the family a notification of denial of assistance. (See "Complaints and Appeals" chapter)

SUPPLEMENT TO APPLICATION FOR FEDERALLY ASSISTED HOUSING

This form is to be provided to each applicant for federally assisted housing. The purpose of the form is to identify a person or organization that may be able to help in resolving any issues that may arise during tenancy or to assist in providing any special care or services that may be required The client is not required to provide this contact information if they so choose.

WHAT YOU SHOULD KNOW ABOUT EIV

The “What You should know about EIV” form is now required to be given to all applicants (age 18 and over) at the time of application and all current tenants (age 18 and over) at the next annual or interim Re-exam of family income and /or composition. Each adult household member is required to sign the form.

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the "Verification Procedures" chapter. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher at intake.

H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the PHA will issue a voucher to the family

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is the PHA's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

This chapter explains the three local preferences which the PHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the PHA's system of applying them.

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. WAITING LIST [24 CFR 982.204]

The PHA uses a single waiting list for admission to its Section 8 Housing Choice Voucher Program.

Except for Special Admissions, applicants will be selected from the PHA waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The PHA will maintain information that permits proper selection from the waiting list.

The pre-application hard copy form on file contains the following information for each applicant listed: (the data that is available on the actual computerized waiting list is denoted by an "*")

*Applicant Name, Social Security Number and Date of Birth;

*Mailing Address, Telephone Number

Family Size

Gross Annual Income

*Date and time of application

*Qualification for any local preference

*Racial or ethnic designation of the head of household

Request for accommodation for a disability

B. SPECIAL ADMISSIONS [24 CFR 982.54(d) (e), 982.203]

If HUD awards the PHA program funding that is targeted for specifically named families, the PHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- Families referred by the Florida Department of Children and Family Services for whom the lack of adequate housing is a primary factor in:

    1. Imminent placement of the family's child or children, in out-of-home care; or
    2. Delay in discharge of the child, or children to the family from out-of-home care; or
    3. Youths at least 18 years old and not more than 21 years old (not reaching 22nd birthday) who left foster care at age 16 or older and who do not have adequate housing are also eligible to receive housing assistance under the FUP, for up to 18 months.

Applicants, who are admitted under Special Admissions, rather than from the waiting list, are identified by specific codes in the automated system and are maintained on separate lists.

C. LOCAL PREFERENCES [24 CFR 982.207]

The PHA uses the following Local Preference system:

- **Disaster Survivors** – families and individuals displaced by a natural disaster or violent acts of terror within the past 6 months will be provided priority service and issued non-assigned vouchers of the PHA. This preference will take precedent over any and all applicants on the wait list due to the nature and severity of the act resulting in displacement. Emergency vouchers issued specifically for families and individuals of a disastrous condition will be administered by the PHA in accordance with guidelines and qualification procedures set forth by the U.S. Department of Housing and Urban Development
- **Displacement** by condemnation, other government action or as a result of domestic violence, as referred by recognized local agencies of domestic violence.
- **Disability Preference**– This preference is extended to persons or families with a disabled member. Proof of disability will be required at time of selection. [HUD regulations prohibit admission preferences for specific types of disabilities.]
- **Working Preference** – Families whose head, spouse, or sole member is employed at least 20 hours per week or who is an active participant in accredited educational and training programs designed to prepare the individual for the job market.

This preference is extended to families, whose head of household and spouse are age 62 or older, or sole member is age 62 or older or is a person with disabilities, displaced, homeless, or a person with disabilities.

Involuntary Displacement by Condemnation or Other Government Action or Domestic Violence

Involuntarily displaced applicants, including victims of domestic violence as referred by recognized local agencies or domestic violence, are applicants who have been involuntarily displaced and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than 6 months from the date of preference status certification by the family and verification by the PHA.

Families are considered to be involuntarily displaced if they are required to vacate housing as a result of local government action related to code enforcement, public improvement or development.

Standard Replacement Housing

In order to receive the displacement preference, applicants who have been displaced must not be living in "standard, permanent replacement housing."

Standard replacement housing is defined as housing that is decent, safe and sanitary according to Housing Quality Standards /local housing code, that is adequate for the family size according to Housing Quality Standards, and that the family is occupying pursuant to a written or oral lease or occupancy agreement.

Standard replacement housing *does not* include transient facilities, hotels, motels, temporary shelters, and (in the case of Victims of Domestic Violence) housing occupied by the individual who engages in such violence.

It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress

Substandard Housing

Applicants who live in substandard housing are families whose dwelling meets one or more of the following criteria [provided that the family did not cause the condition]:

Is dilapidated, [as cited by officials of local code enforcement office] and does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of family.

Has been declared unfit for habitation by a government agency.

Persons who reside as part of a family unit shall not be considered a separate family unit for substandard housing definition preference purposes.

Treatment of Single Applicants

Single applicants will be treated as any other eligible family on the waiting list.

D. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the PHA will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as "extremely low-income families." The PHA will admit families who qualify under the Extremely Low Income limit to meet the income targeting requirement, regardless of preference.

The PHA's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The PHA is also exempted from this requirement where the PHA is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

Jurisdictions Served By More Than One PHA

HUD will treat multiple PHA's serving one jurisdiction as a single PHA for income targeting purposes. The PHA will cooperate with other PHA's serving the same jurisdiction to assure that aggregate admissions comply with the 75% targeted income requirement for the jurisdiction.

HUD will determine which PHA's fiscal year will be used for income targeting purposes, if the PHA's do not have a single fiscal year.

E. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CFR 982.207]

At the time of application, an applicant's entitlement to a Local Preference may be made on the following basis.

An applicant's certification that they qualify for a preference will be accepted without verification at the initial pre-application. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference at the time of the full application, the applicant will be returned to the waiting list without the Local Preference and given an opportunity to request an Informal Review. Applicants that met the Working Family preference at time of initial application and at time of full application are unemployed **and** receiving Unemployment Compensation (UC), will be allowed admission to the program only upon verification of UC income and status.

If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family can not verify their eligibility for the preference as of the date of the full application, the family will be removed from the list.

F. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system. The PHA has the following "Targeted" Programs:

- Victims of Domestic Violence
- Family Unification
- Mainstream for Persons with Disabilities
- Homeless

G. CHANGE IN APPLICANT CIRCUMSTANCES AND PHA PROCEDURES [24 CFR 982.207]

Preferences and Income Targeting Eligibility

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change at any time and via regular "update" notices mailed by the PHA. The PHA updates the waiting list at any time when the applicant provides written notification of a change in preferences claimed or address change.

The PHA mails an "update" notice to the last known address for every household on the waiting list a minimum of once every 2 years to purge the waiting list.

Applicants are required to notify the PHA in writing within 10 business days when their mailing address changes.

If the family's verified annual income, at final eligibility determination, does not fall under the Extremely Low Income limit and the family was selected for income targeting purposes before family(ies) with a higher preference, the family will be returned to the waiting list.

Implementation of Changes to PHA Waiting List Guidelines Throughout the Year

The PHA will include notification of major revisions to the Administrative Plan, as they occur, by mailing notices to all families currently on the waiting list who applied under previous guidelines to include:

1. Notification of requirement to inform PHA when circumstances affecting preferences claimed change anytime in the year and the immediate updating process for the waiting list.
2. Notification of removal of elderly preference and expansion of working family preference definition to include families whose head, spouse, or sole member is age 62 or older or is a person with disabilities.
3. Notification of expanded local preference: displacement as a result of domestic violence as referred by recognized local agencies of domestic violence.

H. ORDER OF SELECTION [24 CFR 982.207(e)]

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

Local Preferences

Local preferences will be used to select families from the waiting list.

The PHA has selected the following system to apply local preferences:

Each preference (as defined in PHA Plan) will receive an allocation of points, as noted below. The more preference points an applicant has, the higher the applicant's place on the waiting list.

Disaster Survivors = Take precedent over all placements immediately following the disaster and continued for a period deemed reasonable based on the circumstances and resources at hand.

- Displaced = 5 Points
- Disabled = 2 Points
- Working Family = 1 Point

Among Applicants with Equal Preference Status

Among applicants with equal preference status, the waiting list will be organized by date and time of pre-application. And among these applicants with the same date and time, the waiting list will be organized in ascending alphabetical order.

I. FINAL VERIFICATION OF PREFERENCES [24 CFR 982.207]

Preference information on pre-applications will be verified as applicants are selected from the waiting list. At that time, the PHA will obtain necessary verifications of preference by third party verification, prior to the briefing and/or during the interview process.

J. PREFERENCE DENIAL [24 CFR 982.207]

If the PHA denies a preference, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. If the preference denial is upheld, as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List through the intent to deny assistance and informal review process.

K. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The Waiting List will be purged a minimum of every two years by mailing an "update" letter to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest and current information, including changes in preferences claimed.

Failure to respond to update letters within 10 business days will result in applicant's name being dropped from the waiting list. Dropped applicants will have a right to an Informal Review with timely request of same, before the decision to drop becomes final.

An extension of 10 business days to respond to PHA requests for information, including update letters, will be granted when requested prior to the deadline and/or needed as a reasonable accommodation for a person with a disability.

If any correspondence from the PHA, including update letter, is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If any correspondence from the PHA, including update letter, is returned with a forwarding address, it will be re-mailed to the address indicated one time only and the deadline will be adjusted to allow for 10 more business days.

If the applicant did not respond to the PHA request for information, such as update letter mailings or other correspondence, because of a family member's disability, the PHA may reinstate the applicant to the family's former position on the waiting list, through the informal review process.

If an applicant is removed from the waiting list for failure to respond they will not be entitled to reinstatement unless there were extenuating circumstances beyond the person's control that prevented them from responding within the allowed time period (i.e., hospitalization, active military duty). Problems with the mail are not considered as valid extenuating circumstances. The informal review process affords the opportunity for the PHA to determine extenuating circumstances and approve reinstatement.

A family will either be determined eligible for assistance or denied when they are selected from the waiting list. If the family has extenuating circumstances beyond their control that prevents them from receiving the assistance at this time or completing the intake process at this time, the PHA will not grant a "hold" on the case. The case will be denied and the family will need to apply during future open enrollment periods. The family will have the right to an informal review where extenuating circumstances beyond the family's control may be considered.

Chapter 5

SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that PHA's establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards which will be used to determine the voucher size (family unit size) for various sized families when they are selected from the waiting list, as well as the PHA's procedures when a family's size changes or a family selects a unit size that is different from the Voucher.

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The PHA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines (see page 12.)

For subsidy standards, an adult is a person 18 years or older.

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 PHA will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

One bedroom will generally be assigned for each two family members. The PHA will consider such factors such as family characteristics including sex, age, or relationship. Consideration will also be given for medical reasons and the presence of a live-in aide.

Live-in attendants will be provided a separate bedroom. No additional bedrooms are provided for the attendant’s family.

Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.

A pregnancy will not be considered in the determination of bedroom size. The bedroom determination will be made at the next annual re-exam following the *birth* of the child, and is based on the bedroom rules in place at that renewal. The exception is when the birth would cause the unit to fail HQS guidelines for space limitations:

- Single person families shall be allocated one bedroom.
- Students away from home: for voucher size rules see Chapter 6.
- Generation, as used in this Administrative Plan, is defined as a span of 18 years difference.

VOUCHER SIZE/BEDROOM RULES SUMMARY:

The PHA assigns one bedroom to two people. Within this policy, the PHA has established the following guidelines to qualify for a separate bedroom:

- **Persons of different generations** are allocated a separate bedroom. Children ages 0-5 years do not qualify for a separate bedroom under this provision.
- **Unrelated adults** are allocated a separate bedroom. Adults who have a spousal/significant other relationship do not qualify for a separate bedroom under this provision.
- **Persons of the opposite sex** are allocated a separate bedroom. Adults who have a spousal/or significant other relationship and children ages 0-5 years do not qualify for a separate bedroom under this provision.

Foster Care Licensing

If a family intends to become a licensed foster care provider, the PHA will apply the following procedure in issuing the "anticipated" voucher size.

The family must provide the Department of Children and Families with a written consent to allow the PHA to obtain specific information regarding the application process from the foster care licensing office. The PHA will request the foster care licensing office for written verification regarding the status of the application and likelihood of licensing approval including the number of children expected to be approved. The PHA will then, if favorable, issue larger "anticipated" bedroom size voucher. Once foster placement occurs, family must notify PHA of any foster child placement updates or changes. The family must provide the PHA with a copy of the foster care license no later than the next re-certification and annually thereafter.

PHA Guidelines for Determining Voucher Size: Minimum/Maximum		
Voucher Size	**Persons in Household Minimum Number**	**Maximum Number**
0 Bedroom	1	1
1 Bedroom	1	4
2 Bedrooms	2	6
3 Bedrooms	3	8
4 Bedrooms	4	10
5 Bedrooms	5	12
6 Bedrooms	6	14

B. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.403(a) & (b)]

The PHA shall grant exceptions from the subsidy standards if the family requests and the PHA determine the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances. All such requests must be verified (i.e. doctor.)

The 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 need, such as a:

- Verified medical or health reason; or
- Elderly persons or persons with disabilities who may require a live-in attendant.

Request for Separate Bedroom Due to Medical Reasons

The family must request the exception in writing. A physician or other qualified medical professional must verify via 3rd party documentation, the medical need for the separate bedroom. These accommodations will be granted upon verification that they meet the need presented by the disability or medical condition. The PHA will assess if the need can be met without a separate bedroom (i.e. separate beds instead). If approved, the family's voucher size will be increased and the medical need must be re-determined annually. If the request is denied, the family will be notified in writing with the reason and have a right to request an informal review or informal hearing.

PHA Error

If the PHA errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size at the time the error is discovered. If the family decides to remain in the same unit, and it is not overcrowded, the payment standard will be corrected to the lower of the new voucher size or the actual unit size effective the 1st of the month after the 60 day voucher expiration date.

Changes for Applicants

The family composition is defined at the time of intake as the members identified in the full application. The voucher size is determined prior to the briefing by comparing the family composition to the PHA subsidy standards. If an applicant requires a change in the voucher size, after the voucher has been issued, based on the requirements of the PHA subsidy standards, the above referenced guidelines will apply.

If a family member identified in the full application will be temporarily absent, the family voucher size will be issued without that member. If the family requests to add the absent member with proper verification within 60 days of the initial voucher issuance date, the PHA will grant the family an increase in voucher size, as warranted by the addition of that member, regardless of birth, adoption or court awarded custody status. However, if the family has already been housed at the time of the request to add the member, this new voucher size with the increase will not be issued until the next re-exam, as long as it does not exceed housing quality standard space limitations. If this occurs before the family is initially housed, the voucher size can increase at that time.

Changes for Participants

The members of the family residing in the unit must be approved by the PHA. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA within 10 business days. The above referenced guidelines will apply.

The PHA will grant an exception, upon written request from the family to allow an increase in voucher size, when warranted by subsidy guidelines established in this chapter, to add a disabled adult child or an elderly relative (defined as 62 years of age or more) into the unit permanently.

When a family composition change results in a change of family voucher size (increase or decrease) and the family is currently housed, the PHA will not issue the new voucher size, nor change the subsidy level (payment standard) until the next annual re-exam or interim move (unit transfer), unless the unit fails to meet HQS guidelines for space limitations.

If HQS space limitations are adversely effected, the family will be issued the new voucher size and allowed to break the lease, in accordance with HUD's contract and lease addendums and allowable moves under this Administrative Plan. If the family is not currently housed, the voucher size will be adjusted at that time.

Effect of New Bedroom Size Rules on Existing Participants

The PHA has increased the age criteria for separate bedroom provisions (see Section A of this chapter) from 2 years to 6 years of age. The new subsidy rules will be applied uniformly at the family's next annual recertification starting with Housing Assistance Payment (HAP) Contracts with effective date of January 1, 2006. At the time of the annual recertification, every household, whether moving or staying, will be evaluated using the new subsidy standard rules to determine bedroom size eligibility.

The PHA will issue a voucher using the subsidy rules that are/will be in effect at the time of the HAP Contract effective date, not the voucher issuance date.

If the new subsidy eligibility results in a decrease in bedroom size:

The family will NOT be grandfathered in at the current larger voucher size, regardless of moving or staying.

The family will be issued a voucher with the new reduced bedroom size. The family will be given the opportunity to move to a smaller unit, within the guidelines contained in this Administrative Plan regarding moves and family obligations. The affordability test does not apply if the family decides to stay in the oversized unit.

The subsidy standard for the reduced voucher size cannot be made payable in a HAP Contract effective prior to January 1, 2006, regardless of voucher issuance date.

Under-housed and Over-housed Families

If a family's voucher size changes during the term of a HAP contract, the PHA must factor the payment standard for the new family voucher size at the next annual reexamination. This is true, regardless of whether the PHA has made any changes in its payment standard schedule. A voucher will not be issued; the file will be documented with reported change only.

Under-housed – This may occur when there is an **increase** in family size (results in unit being smaller than what the family is eligible for).

a) If the unit meets HQS space standards, the PHA will issue a voucher at the next reexamination. In order for the family to interim move, they must follow their lease and this Administrative Plan's rules for allowable moves with continued assistance.

b) If the unit does not meet HQS space standards due to an increase in family size, by birth, adoption, marriage or court-awarded custody, the PHA will issue a new voucher of the appropriate size and assist the family in locating a suitable unit, even if the family is currently housed. The effective date for factoring the increased subsidy in the rent calculation is the effective date of the new HAP Contract.

c) Additions to the family, other than by birth, adoption and court-awarded custody, will not be approved by the PHA if it will cause overcrowding. The family may have the option of first eliminating the reason for the overcrowding. This can be done by moving to a larger unit (within the rules for moving with continued assistance contained in this Administrative Plan and lease provisions.) However, the voucher size and subsidy will not change and will only be affected in accordance with the previous section "Exceptions to Subsidy Standards" of this chapter. The family may choose to eliminate overcrowding by an existing family member moving out and providing 3rd party verification of permanence of said move.

Over-housed – This may occur when there is a **reduction** in family size (results in unit being bigger than what the family is eligible for).

a) If a family is occupying a unit which has more bedrooms than allocated under the PHA's subsidy standards, the PHA will allow the family to remain in the same unit without changing the payment standard until the next reexamination. The family may opt to stay in the over-housed unit at re-examination, factoring the payment standard of the new decreased voucher size in the rent calculation effective with the re-examination HAP Contract and the family assumes the remaining financial responsibility within HUD and PHA guidelines.

Exceptions to Over-housed and Under-housed policy: The PHA will also notify the family of the circumstances under which an exception will be granted, such as:

If a family with a disability is under-housed in an accessible unit (causing an overcrowded unit).

If a family requires the additional bedroom because of a health problem which has been verified by the PHA.

C. UNIT SIZE SELECTED [24 CFR 982.402(c)

The family may select a different size dwelling unit than that listed on the Voucher. There are three criteria to consider:

Subsidy Limitation: The family unit size as determined for a family under the PHA subsidy standard for a family assisted in the voucher program is based on the PHA's adopted payment standards. The payment standard for a family shall be the *lower of*:

The payment standard amount for the family unit size (voucher); or

The payment standard amount for the unit size rented by the family (actual).

Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.

Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS Guidelines for Unit Size Selected can be found below.

*HQS GUIDELINES FOR UNIT SIZE SELECTED	
Unit Size	*Maximum Number in Household*
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

Chapter 6

FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION

[24 CFR Part 5, Subparts E and F; 982.153, 982.551]

INTRODUCTION

The PHA will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and at annual reexamination is correct. 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 expenses and deductions to be subtracted 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 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. 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.

A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

Gross Income: Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. 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 expenses and deductions.

HUD has five allowable deductions from Annual Income:

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.

Elderly/Disabled Allowance: $400 per family for families whose head or spouse is 62 or over or disabled.

Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.

Child Care Expenses: Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.

Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

B. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS FOR PERSONS WITH DISABILITIES [24 CFR 5.617; 982.201(b)(3)]

The annual income for qualified families may not be increased as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the disabled family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A family qualified for the earned income exclusion is a family that is receiving tenant-based rental assistance under the Housing Choice Voucher Program; and

Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

Whose annual income increases, as a result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least $500. The qualifying TANF assistance may consist of any amount of monthly income maintenance, and/or at least $500 in such TANF benefits and services as one-time payments, wage subsidies and transportation assistance.

The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

The HUD definition of economic self-sufficiency program is: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment.)

Qualifying increases are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

Initial Twelve-Month Exclusion

During the cumulative 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.

Second Twelve-Month Exclusion and Phase-in

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the PHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member who is a person with disabilities as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four Year Disallowance

The earned income disallowance is limited to a lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 month of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion.)

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Applicability to Child Care Expense Deductions

The amount deducted for child care necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation will include:

1. Date the increase in earned income was reported by the family
2. Name of the family member whose earned income increased
3. Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income
4. Amount of the increase in earned income (amount to be excluded)

5. Date the increase in income is first excluded from annual income
6. Date(s) earned income ended and resumed during the initial cumulative 12-month period of exclusion (if any)
7. Date the family member has received a total of 12 months of the initial exclusion
8. Date the 12-month phase-in period began
9. Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)
10. Date the family member has received a total of 12 months of the phase-in exclusion
11. Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance)

The PHA will maintain a tracking system to ensure correct application of the earned income disallowance program-wide.

Inapplicability to Admission

The earned income disallowance is only applied to determine the annual income of families who are participants in the Housing Choice Voucher Program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable.)

C. MINIMUM RENT [24 CFR 5.616]

"Minimum rent" for this PHA is set at $50 effective January 1, 2006**.** Minimum rent refers to the Minimum Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

Hardship Requests for an Exception to Minimum Rent

The PHA recognizes that is some circumstances 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 procedures and policies in regard to minimum rent financial hardship as set forth by the Quality Housing and Responsibility Act of 1998. HUD has defined circumstances under which a hardship could be claimed.

Criteria for Hardship Exception

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

A. The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance program, including a family having a noncitizen household member lawfully admitted for permanent residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;

B. The family would be evicted as a result of the imposition of the minimum rent requirement;

C. The income of the family has decreased because of changed circumstances including the loss of employment;

D. Have a death in the family; or

E. Have other circumstances as determined by the PHA or HUD.

The PHA does not have any discretionary or additional hardship qualifications other than what HUD requires as noted above.

PHA Notification to Families of Right to Hardship Exception

The PHA will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly adjusted income, 10% of monthly income, minimum rent or welfare rent.

If the minimum rent is the greatest figure in the calculation of Total Tenant Payment, PHA staff will include a copy of the notice regarding hardship request provided to the family in the family's file.

The PHA notification will advise families that hardship exception determinations are subject to PHA review and hearing procedures.

The PHA will review all family requests for exception from the minimum rent due to financial hardships.

All requests for minimum rent hardship exceptions are required to be in writing to include the following:

- Statement of the family hardship that qualify the family for an exception; and
- Supporting documentation as proof of financial hardship.

The PHA will use its standard verification procedures to verify circumstances which have resulted in financial hardship.

Suspension of Minimum Rent

The PHA will grant the minimum rent exception 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 is:

- Covered by statute
- Temporary or long term

"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 a minimum rent and the housing assistance payment will be increased accordingly.

If the PHA determines that the minimum rent is not covered by statute, the PHA will impose a minimum rent including payment for minimum rent from the time of suspension.

Temporary Hardship

If the PHA determines that the hardship is temporary, a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of suspension.

The PHA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period. (See "Owner and Family Debts to the PHA" chapter for repayment agreement policy).

Long-Term Duration Hardships [24CFR 5.61(c) (3)]

If the PHA determines that there is a qualifying long-term financial hardship, the PHA must exempt the family from the minimum rent requirements.

D. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT [24 CFR 982.54(d)(10), 982.551]

It is the responsibility of the head of household to report changes in family composition. The PHA will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered permanently or temporarily absent if s/he is away from the unit as noted below except as otherwise provided in this Chapter.

Temporarily Absent is defined as away from the unit for more than 30 days but less than 180 days.

The PHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the PHA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not 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 and any other exceptions to military pay HUD may define) is counted as income.

Permanently Absent is defined as away from the unit for 6 months in a 12 month period.

Income of persons permanently absent will not be counted.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the PHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy.

Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner, based mainly on family choice if meet criteria:

1. If student lives with the family during school recess may be considered temporarily absent from the household. Student remains on lease and income counts per student income guidelines.
2. If choose to remove from lease as permanently absent, student may visit up to 60 days per year.

Absence due to Incarceration

If the sole member is incarcerated for more than 60 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 6 months.

The PHA will determine if the reason for incarceration is for drug-related or violent criminal activity.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the PHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 6 months from the date of removal of the children, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the PHA's subsidy standards.

Absence of Entire Family

In cases where the family has moved out of the unit, the PHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan. However, these policy guidelines below address situations when the family is absent from the unit, but have not moved out of the unit

Families are required both to notify the PHA before they move out of a unit and to give the PHA information about any family absence from the unit.

Families must notify the PHA at least 10 days before leaving the unit if they are going to be absent from the unit for more than 15 consecutive days**.**

If the entire family is **absent without notification** from the assisted unit for more than 30 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

If it is determined that the family is absent from the unit, the PHA will not continue assistance payments.

The PHA will terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days **regardless of reason**.

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

In order to determine if the family is absent from the unit, the PHA may:

- Write letters to the family at the unit
- Telephone the family at the unit

- Interview neighbors
- Check with the post office
- Verify if utilities are in service

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

Caretaker for Children

If neither parent remains in the household nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the PHA will treat that adult as a visitor for the first 30 days and the income is not counted during this 30 day period.

By the end of that period, if court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the PHA will review the status at 30 day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the PHA will secure verification from social services staff or the attorney as to the status.

If custody is awarded for a limited time in excess of stated period (1st 30 days), the PHA will state in writing that the transfer of the Voucher is for that limited time or as long as they have custody of the children. The PHA will use discretion as deemed appropriate in determining any further assignation of the Voucher on behalf of the children. This includes the option of terminating the contract and starting a new contract so that the children can move with the adult caretaker, within the rules of this HAP for unit approval.

The caretaker will be allowed to remain in the unit until a determination of custody is made.

The PHA will transfer the voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 6 months and it is reasonable to expect that custody will be granted.

When the PHA approves a person to reside in the unit as caretaker for the children, the income should be counted after the first 30 days, pending a final disposition. The PHA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 6 months, the person will be considered permanently absent.

Visitors or Guests

Any person not included on the HUD 50058 who has been in the unit more than 15 consecutive days without PHA approval, or a total of 30 days in a 12 month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 60 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 120 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and PHA

Reporting changes in household composition to the PHA is both a HUD and a PHA requirement.

Families are required to report any additions to the household due to birth, adoption or court awarded custody in writing to the PHA within 10 days of the move-in date.

The family must request prior approval of additional household members in writing to the PHA, even if the voucher size does not increase.

In addition, any proposed additions to the household must be approved by the owner and reflected on the lease. The family must submit the updated lease to the PHA for final approval of the addition prior to the person moving into the unit.

If any new family member is added, the income of the additional member will be included in the family income as applicable under HUD regulations.

If the family does not obtain prior written approval from the PHA, any person the family has permitted to move in will be considered an unauthorized household member.

An interim reexamination will be conducted for any additions to the household.

Reporting Absences to the PHA

Reporting changes in household composition is both a HUD and a PHA requirement.

If a family member leaves the household, the family must report this change to the PHA, in writing, within 10 days of the change with date of move out, new address and certify as to whether the member is temporarily absent or permanently absent. The family must also notify the owner. (See Chapter 15 "Family Member Moves Out".)

The PHA will conduct an interim evaluation for changes which affect the Total Tenant Payment in accordance with the interim policy. A revised lease or addendum is required when the change affects Total Tenant Payment.

E. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the PHA may choose one of the following two acceptable methods of calculating annual income:

1. Annualize current income and conduct an interim reexamination if income changes, or

2. Average known sources of income that vary to compute an annual income.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month; this estimate will be used so as to reduce the number of interim adjustments. However, in order to use the averaging method effectively, some history of income from all sources in prior years should be available.

The method used, annualizing current income versus averaging known historical income, depends on the regularity, source and type of income. If there are bonuses or overtime compensation which the employer cannot anticipate for the next twelve months, the bonuses and overtime received the previous year will be used.

F. MINIMUM INCOME (Zero Income)

There is no minimum income requirement for families to have in order to be eligible for assistance. However, families who report zero income must fulfill the requirements listed below:

1. Head of Household is required to complete a written certification every 90 days in person at the PHA office.
2. Head of Household is required to provide information/verification regarding their means of basic subsistence, such as food, utilities, transportation, etc. for each time period.
3. If the family's expenses exceed their known income, the PHA will make inquiry of the head of household as to the nature of the family's accessible resources.

G. INCOME OF PERSON PERMANENTLY CONFI NED TO NURSING HOME [24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the PHA will calculate the income by using the following methodology:
Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

H. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every 3 months or more frequently will be considered a "regular" contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See "Verification Procedures" chapter for further definition.)

If the family's expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.

I. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment. Families are encouraged to cooperate with the Child Support Enforcement Agency in cases where the absent parent is not contributing.

The PHA will use the child support or alimony amount awarded by the court in income calculations. If the amount of child support or alimony received is less than the amount awarded by the court, the family must provide verification they have re-filed a claim against the absent parent to show they are actively pursuing awarded amounts.

The Department of Revenue, Child Support Enforcement office located at 6302 E MLK Jr. Blvd., Suite 110, in Tampa, Florida, telephone number 800-622-5437 is the site where the family can re-file the claim. The PHA, only with proper verification that a claim has been filed, may then use the child support or alimony amount received in the family income calculation. This procedure is required at each re-examination involving child support or alimony income sources.

It is the family's responsibility to supply a copy of the divorce decree.

J. LUMP-SUM RECEIPTS [24 CFR 5.609]

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 but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt, the PHA uses a calculation method which calculates retroactively or prospectively, depending on the circumstances.

The PHA will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt if the receipt was not reported within that time frame.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

The entire lump-sum payment will be added to the annual income in the same way for any interims which occur prior to the next annual recertification.

Retroactive Calculation Methodology

The PHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The family has the choice of paying this "retroactive" amount to the PHA in a lump sum or entering into a Repayment Agreement, in accordance with Chapter 18 ("Owner of Family Debts to the PHA") and "Program Integrity Addendum."

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

K. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

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

- While an individual is employed, count as assets 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.

L. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d)(3)]

The PHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. 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 bankruptcy is not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separations 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 $5,000, they will not be considered an asset.

M. CHILD CARE EXPENSES [24 CFR 5.603]

Childcare expenses, for children under 13, may be deducted from annual income if they enable an adult to work or attend school (full time not required), or to actively seek employment.

Allow ability of deductions for childcare expenses is based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work which is included in the family's annual income. 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 number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

Amount of Expense: The PHA will collect data as a guideline. If the hourly rate materially exceeds the guideline, the PHA may calculate the allowance using the guideline.

N. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

Medical expenses are only considered for eligible elderly or disabled families for the amount of un-reimbursed medical expenses that exceed 3% of the gross annual income, in accordance with HUD guidelines.

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.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses. Some examples are listed below:

- Acupuncture
- Artificial Limbs
- Braille Books and Magazines
- Chiropractor
- Crutches
- Dental Treatment
- Hearing Aids
- Health Insurance Premiums
- Home Care
- Hospital Services
- Laboratory Fees
- Long Term Care
- Monthly Payment on Medical Bills
- Prescription Medicines
- Nursing Home
- Optometrist
- Oxygen
- Surgery
- Therapy
- Transportation

O. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

P. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS [24 CFR 5.615]

The PHA will not reduce the family share of rent for families whose welfare assistance is reduced due to a “specified welfare benefit reduction,” which is a reduction in benefits by the welfare agency specifically because of:

- Fraud in connection with the Welfare program, or
- Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- However, the PHA will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits, or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, or
- A situation where a family member has not complied with other welfare agency requirements.

Definition of a Covered Family

A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of "Imputed Welfare Income"

The amount of annual income, not actually received by a family, as a result of a specified welfare benefit reduction, that is included in the family's income for purposes of determining rent.

The amount of imputed welfare income is determined by the PHA, based on written information supplied to the PHA by the welfare agency, including:

- The amount of the benefit reduction
- The term of the benefit reduction
- The reason for the reduction
- Subsequent changes in the term or amount of the benefit reduction

The family's annual income will include the imputed welfare income, as determined at the family's annual or interim reexamination, during the term of welfare benefits reduction (as specified by the welfare agency).

Imputed welfare income is not included in annual income if the family was not an assisted family at the time of the sanction.

The amount of imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed.

When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family claims the amount of imputed welfare income has been calculated incorrectly, the PHA will review the calculation for accuracy. If the imputed welfare income amount is correct, the PHA will provide a written notice to the family that includes:

A brief explanation of how the amount of imputed welfare income was determined;

A statement that the family may request an informal hearing if they do not agree with the PHA determination. (See "Verification Procedures" chapter.)

Verification Before Denying a Request to Reduce Rent

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction. The PHA will rely on the welfare agency's written notice to the PHA regarding welfare sanctions.

Q. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENT [24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for the PHA's Housing Choice Voucher Program and varies depending on structure type.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

The PHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The PHA must classify utilities in the utility allowance schedule according to the following general categories: space heating, air conditioning, cooking, water heating, water, sewer, trash collection; other electric, refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners [24 CFR 982.517].

A tenant-paid air conditioning allowance will be provided throughout the PHA's jurisdiction.

The PHA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next annual reexamination or interim move, whichever comes first, but is not done at interim re-examinations, even if there has been a revision to the schedule.

The approved utility allowance schedule is given to families along with their Voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the PHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 60 month period.

When the calculation results in a utility reimbursement payment, the PHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the family**.** Should the family's unit pass inspection and the family is entitled to move into unit any day after the 1st of the month, the Utility Reimbursement Payment will be prorated by the actual calendar days left in the month when the family moves in**.** The family is responsible for maintaining current utility services in the unit at all times for all utilities not covered by the owner. Failure to do so is a breach of family obligations of participation and a violation of HQS.

The family and owner must report any changes in responsibility of utility services to the PHA in writing within 10 business days (i.e. client was paying for the trash collection, but now owner is responsible for paying trash collection). An interim adjustment will be done when the change is reported to the PHA. A new Lease and new HAP Contract are required when there are changes to the utilities.

When Housing Assistance Payments (HAP) is abated due to owner HQS violations, the utility reimbursement to the family will not be interrupted, while the HAP Contract is valid.

R. INCOME INCLUSIONS [EXCERPT FROM 24 CFR PARAGRAPH 5.609]

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

2. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family;

3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets in excess of $5,000, Annual Income shall include the greater of the actual income derived from Net Family Assets or a percentage of the value of such Assets based on the current Passbook savings rate, as determined by HUD;

4. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (but see No. 14 under Income Exclusions);

5. Payments in lieu of earnings, such as unemployment, worker's compensation and severance pay (but See No. 3 under Income Exclusions);

6. Welfare Assistance. If the Welfare Assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the Welfare Assistance agency in accordance with the actual cost of shelter and utilities, the amount of Welfare Assistance income to be included as income shall consist of:

   a. The amount of the allowance or grant exclusive of the amount specifically designated for Shelter or utilities; plus

   b. The maximum amount that the Welfare Assistance agency could in fact allow the Family for shelter and utilities. If the Family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling; and

8. All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the Family, spouse, or other person whose dependents are residing in the unit (but see paragraph (7) under Income Exclusions).

9. Amounts in accordance with the Public Housing Reform Act of 1998, Section 512 and 24 CFR 5.615 to encourage compliance with Welfare self-sufficiency program requirements and reduce fraud.

S. **INCOME EXCLUSIONS** [EXCERPT FROM 24 CFR PARAGRAPH 5.609]

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
3. 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 (but see No. 5 under Income Inclusions);
4. Amounts received by the Family that are specifically for, or in reimbursement of, the cost of Medical Expenses for any Family member;
5. Income of a live-in aide as defined in 24 CFR 5.403;
6. The full amount of student financial assistance paid directly to the student or to the educational institution;
7. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
8. Amounts received under training programs funded by HUD;
   a. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
   b. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
   c. A resident service stipend. This is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life the development. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; or
   d. Compensation from state or local employment training programs and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.

9. Temporary, nonrecurring or sporadic income (including gifts);
10. For all initial determinations and reexaminations of income carried out on or after April 23, 1993, reparations payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of $480 for each full-time student 18 years or older (excluding the head of household and spouse);
12. Adoption assistance payments in excess of $480 per adopted child;
13. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump-sum payment;
14. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
15. Amounts paid by a State Agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following is a list of income that qualify for that exclusion:
    a. The value of the allotment provided to an eligible household under Food Stamp Act of 1977;
    b. Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);
    c. The first $2000 in payments per year received (e.g. cash, stock, partnership interest or land or interest in land or settlement trust) under the Alaska Native Claims Settlement Act;
    d. Income derived from certain sub marginal land of the United States which is held in trust for Certain Indian tribes;
    e. Payments or allowances made under Department of Health and Human Services' Low-Income Energy Assistance Program;
    f. Payments received under programs funded in whole or in part under the Job Training Partnership Act;
    g. Income derived from the disposition of funds of Grant River Bank of Ottawa Indians;
    h. The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Grant of Claims or from funds held in trust for an Indian tribe by the Secretary of Interior and up to $2,000 per year of income received by individual Indians from trust or restricted lands held by the Secretary of Interior for the benefit of individual Indians. (Exclusions apply on a per person basis);
    i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the BIA student assistance programs;
    j. Payments received from programs funded under Title V of the Older Americans Act of 1965 (Green Thumb);

k. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, MDL No. 381 (E.D.N.Y.);

l. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-426, 94 Stat. 1785);

m. The value of any child care provided or reimbursed for under the Child Care and Development Block Grant Act of 1990; and

n. Earned income tax credit;

o. Amounts in accordance with the Public Housing Reform Act of 1998, Section 512 and 24 CFR 5.615 to reinforce self-sufficiency (welfare sanctions.)

p. Amounts in accordance with rules governing the Disallowance of Earned Income from rent determinations for persons with disabilities under 24 CFR 5.617; 982.201(b)(3). There is an initial 12-month exclusion period for qualifying families and qualifying income followed by a second 12-month exclusion and phase-in period. The maximum time allowed for this disallowance procedure is 48 months from the start date of the initial exclusion period.

q. Tax refunds generally are excluded.

Chapter 7

VERIFICATION PROCEDURES

[24 CFR Part 5, Subparts B, D, E and F; 24 CFR 982.158; 24 CFR 5.617]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by the PHA. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information to the PHA whenever information is requested. The PHA's verification requirements are designed to maintain program integrity. This Chapter explains the PHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The PHA will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

The PHA will verify information through the five methods of verification acceptable to HUD in the following order:

1. Upfront Income Verification (UIV) (also known as EIV)
2. Written Third-Party
3. Oral Third-Party
4. Review of Documents (Tenant Provided Documents)
5. Certification/Self-Declaration (Tenant Declaration)

The PHA will allow 3 weeks for return of third-party written verifications and 2 weeks to obtain other types of verifications before going to the next method. The PHA will document the file as to why third party written verification was not used.

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance. For participants, verifications may not be more than 120 days at the time of examination effective date.

Upfront Income Verification

The verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

HUD’s Office of Public and Indian Housing (PIH) is developing a UIV system to provided PHA’s with a single source for obtaining verification of wages, unemployment compensation, and social security benefits. All housing program participants whose social security numbers (SSNs) are transmitted to HUD’s PIH Information Center (PIC) will be matched on a quarterly basis with the data in the UIV system.

Authorization for Use of Upfront Income Verification

To prevent fraud and abuse in HUD programs, the United States Code (USC) and Code of Federal Regulations (CFR) allow HUD and PHA's to obtain information about applicants and participants to determine their eligibility or level of benefits. Most importantly, the USC authorizes computer-matching agreements of income information. Below is a summary of laws and regulations that govern the use of upfront income verification.

24 CFR 5.234 (Requests for Information from SWICAs and Federal Agencies; Restrictions on Use) indicates that income information will generally be obtained through computer matching agreements between HUD and a SWICA or Federal Agency, or between a PHA and a SWICA.

42 USC 3544(c)(2)(A) (Preventing Fraud and Abuse in Housing and Urban Development Programs) provides the legal basis for preventing fraud and abuse in HUD programs. The law allows HUD to require that applicants and participants sign a consent form to request the following: current or previous wages and salaries from employers, wage information and unemployment compensation from the State agency charged with the administration of the State unemployment law, and income information from the Commissioner of Social Security and the Secretary of the Treasury.

Types of Income That May be Verified Using Upfront Income Verification (UIV)

1. Gross Wages and Salaries (including overtime pay, commission, fees, tips, bonuses, and other compensation for personal services.)
2. Unemployment Compensation
3. Welfare Benefits
4. Social Security Benefits (including Federal and State benefits, Black Lung benefits, dual benefits.)
   a) Social Security (SS)
   b) Supplemental Security Income (SSI)

Note: Other income types (i.e. child support, pensions, etc.) should be verified using upfront income verification techniques if the resources are available.

Available Upfront Income Verification Techniques

PHA's may obtain upfront income verification through the following methods:

1. Computer matching agreements with a federal, state, or local government agency, or a private agency;
2. Use of HUD's Webb Access Sub System Security (WASS) or
3. Submit direct requests for income verification to a federal, state, or local government agencies or a private agency, such as TANF.

HUD Systems Available for Upfront Income Verification.

Use of HUD's Webb Access Sub System Security (WASS) and centralized UIV System are acceptable methods for verifying family income. HUD will announce the availability of the UIV System through issuance of Notices.

Note: The PHA must have a valid HUD Form 9886 signed by all household members who are 18 years of age or older in the tenant file.

Only staff with need to know will have access to upfront income verification data. This data is considered strictly confidential.

Use of Third Party Verification to Supplement Upfront Income Verification.

Upfront income verification replaces, to a large extent, the more time consuming and less accurate third party verification process of contacting individual employers identified by the family or reviewing outdated income verification documents. However, third party verification may continue to be necessary to complement upfront income verification, for example, when the tenant disputes the data. It should not be considered as an automatic substitute for other third party verification, and may supplement other verification documentation, such as original, current tenant provided documents.

Simplifying the Income Verification Process

The NEW way of doing business:

- Tenant (does not) reports income
- Tenant provides PHA with current documentation
- PHA consults EIV system & prints income details report
- If additional information is not needed, PHA uses current tenant provided documents to calculate anticipated annual income (If additional income is needed, PHA will use most current and reliable information.

File Documentation: **Acceptable Verifications:**

- EIV + Current tenant provided documents; or
- EIV + Current tenant provided documents + Written 3rd party verification (Required when tenant disputes EIV data or PHA requires additional information)

Tenant provided documents must be dated within the last **60** days of the reexamination interview date. Pay stubs must be current and consecutive!

Projecting Annual Income when UIV data is Available:

When UIV data is **not** substantially different than tenant-reported income:

- If UIV is **less** than tenant-reported income, use tenant-provided documents to calculate anticipated annual income.
- If UIV data is **greater** than tenant-reported income, use UIV data to calculate anticipated annual income, **unless** tenant can provide the PHA with acceptable documentation to verify a change in circumstances.

When UIV does **not** differ substantially from participant-provided documents, PHA's may use the UIV to satisfy regulatory obligation to obtain 3rd party verification.

- In such cases, PHA's are not required to obtain additional 3rd party verification from employers.
- "Differ substantially" is defined as the HUD established guideline of $200 or more per month (equates to $2,400+ a year).

PHA must request written 3rd party verification from the discrepant income source [24 CFR 5.236(3) (I)] when UIV differs substantially from participant-provided documents, as in the following situations.

- A participant discloses an employer that is not represented in the UIV source.
- The UIV source identifies an employer that a participant has not disclosed.
- The income amounts on UIV and participant-provided documents differ substantially.

Third party written is NOT required if tenant does **not** dispute the EIV data and the PHA does not require additional information.

UIV and pay stubs are complementary sources of income verification.

- UIV satisfies the 3rd party obligation; pay stubs do not.
- UIV reveals undisclosed income; pay stubs do not.
- Pay stubs provide hours worked and rate of pay; UIV does not.
- Pay stubs are current; UIV is dated (usually 3 months old)

PHA's should **always** use UIV to verify SS and SSI income information.

PHA Responsibilities

- Compare UIV information with participant-provided information
- Resolve income discrepancies promptly to determine accurate tenant rents based on all available information
- Maintain a current form HUD-9886, Authorization for Release of Information/Privacy Act Notice, in each applicant's and participant's file
- Restrict access to UIV data to employees who have a recognized need to know for valid administration reasons in the operation of the HUD-assisted housing program.
- Ensure that UIV data is stored in places that are physically secure from access by unauthorized persons

Income Discrepancy Resolution

- Identify under-reported income and/or unreported income sources
- The PHA may **not** take any adverse action based **solely** on EIV data
- Discuss the income discrepancy with the tenant
- Obtain additional documents from tenant and/or third party (if necessary)
- PHA may obtain Social Security Earnings Statement (SSA Form 7004) for historical wage earnings (Form available on HUD's website)
- The PHA should verify effective dates of new and terminated income sources.
- Once the PHA has verified and validated the income discrepancy, the PHA calculates the unreported income amount and excess HAP payments. The PHA applies the level of offense and consequences as prescribed in this Administrative Plan for unreported income.
- PHA submits a corrected HUD Form 50058 to HUD
- PHA collects the excess HAP payment
- PHA may also report delinquent tenant debt to Credit Reporting Bureaus

Documentation for Identity Theft

- When tenant disputes EIV data, the tenant should indicate in writing the reason for dispute and provide supporting documentation
- Supporting documents for identity theft:
  - Copy of police report (not a policy report number); or
  - Notice from credit bureau regarding fraud alert placed on credit report or copy of credit report for fraud alert notice; or
  - Copy of identity theft report filing with the Federal Trade Commission; **and**
  - Any correspondence the tenant received from employer

Documentation for Employer Reporting Error

- When tenant disputes EIV data, the tenant should provide documentation to support claim of incorrect data, such as:
  - Copy of tenant's letter sent to employer to dispute information and request for correction
  - Any correspondence the tenant received from employer

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

Third party verification forms will not be hand carried by the family under any circumstances.

The PHA will accept verifications in the form of computerized printouts delivered by the family from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board
- City or County Courts (i.e. child support)

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted or similar form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the PHA will compare the information to any documents provided by the Family. If provided by telephone, the PHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within 3 weeks, the PHA will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form or document.

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.
- The PHA will not accept photocopies of the above items.

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.

The PHA will not delay the processing of an application beyond 30 days because a third party information provider does not return the verification in a timely manner. The PHA will allow the family 2 weeks to provide documents when third party verification efforts have been exhausted.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement under penalty of perjury and must be witnessed.

B. RELEASE OF INFORMATION [24 CFR 5.230]

Adult family members, 18 years of age or older, and each family head and spouse, regardless of age, shall be required to sign the HUD 9886 Release of Information/Privacy Act form.

In addition, family members, as noted above, will be required to sign one or more specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice, such as unemployment, social security administration and worker's compensation.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the PHA or HUD.

C. COMPUTER MATCHING

For some time, HUD has conducted a computer matching initiative to independently verify resident income. HUD can access income information and compare it to information submitted by PHA's on the 50058 form. HUD can disclose Social Security information to PHA's, but is precluded by law from disclosing Federal tax return data to PHA's. Upfront Income Verification is fulfilling the role of computer matching as HUD continues to prepare this system for PHA use with regulatory changes.

Social Security Administration

The PHA will utilize the HUD established computer-based Webb Access Sub System Security (WASS) tool for obtaining Social Security benefits, Supplemental Security Income, benefit history and tenant income discrepancy reports from the Social Security Administration.

When computer matching results in a discrepancy with information in the PHA records, the PHA will verify the accuracy of income information contained in the notice and will, as appropriate, change the amount of total tenant payment, family rent to owner and housing assistance payment, and take remedy action as specified in accordance with Chapter 18 and Program Integrity Addendum. This may include a warning, repayment agreement, full restitution or termination of assistance.

Federal Tax Return Data

If HUD receives information from Federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family of the discrepancy. The family is required to disclose this information to the PHA (24 CFR 5.240.) HUD's letter to the family will also notify the family that HUD has notified the PHA in writing that the family has been advised to contact the PHA. HUD will send the PHA a list of families who have received "income discrepancy" letters.

When the PHA receives notification from HUD that a family has been sent an "income discrepancy" letter, the PHA will:

- Wait 40 days after the date of notification before contacting tenant.
- After 40 days following the date of notification, the PHA will contact the tenant by mail asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of income.
- The PHA will fully document the contact in the tenant's file, including a copy of the PHA's letter to the family.

When the family provides the required information, the PHA will verify the accuracy of the income information received from the family, review the PHA's interim recertification policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, based on the information. Refer to Chapter18 and Program Integrity Addendum for specific remedies.

<u>If tenant fails to respond to PHA:</u>

The PHA will ask HUD to send a second letter.

After an additional 40 days, the PHA will ask HUD to send a third letter.

After an additional 40 days, the PHA will send a letter to the head of household, warning of the consequences if the family fails to contact the PHA within 2 weeks.

If tenant claims a letter from HUD was not received:

The PHA will ask HUD to send a second letter with a verified address for the tenant.

After 40 days, the PHA will contact the family.

If the tenant family still claims they have not received a letter, the PHA will ask HUD to send a third letter.

After an additional 40 days, the PHA will set up a meeting with the family to complete IRS forms 4506 and 8821.

If the tenant fails to meet with the PHA or will not sign the IRS forms, the PHA will send a warning letter to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the PHA and/or sign forms.

If tenant does not receive a discrepancy letter from HUD:

The PHA will set up a meeting with the family.

If the family fails to attend the meeting, the PHA will reschedule the meeting.

If the family fails to attend the second meeting, the PHA will send a warning letter and then, if still no response, a letter of intent to terminate assistance.

The family must bring the original HUD discrepancy letter to the PHA.

If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter:

The PHA will ask the tenant to provide documented proof that the tax data is incorrect.

If the tenant does not provide documented proof, the PHA will obtain proof to verify the Federal tax data using third party verification.

D. ITEMS TO BE VERIFIED [24 CFR 982.516]

- All income not specifically excluded by the regulations.
- Full-time student status including High School students who are 18 or over.
- Current assets including assets disposed of for less than fair market value in proceeding two years.
- Child care expense where it allows an **adult** family member to be employed, or to actively seek work, or to further his/her education.
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an **adult** family member to be employed.

- Disability for determination of preferences, allowances or deductions.
- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members.
- "Preference" status
- Marital status.

Verification of Reduction in Benefits for Noncompliance:

- The PHA will obtain 3rd party written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

E. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods the PHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

- Upfront Income Verification.
- Employment verification form completed by the employer.
- Payroll print-out.
- Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.
- W-2 forms plus income tax return forms.
- Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS and/or the state wages department for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

1. Upfront Income Verification.
2. Benefit verification form completed by agency providing the benefits.
3. Award or benefit notification letters prepared and signed by the providing agency.
4. Computer report electronically obtained or in hard copy.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Upfront Income Verification.
2. Verification form completed by the unemployment compensation agency.
3. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.
4. Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. PHA verification form completed by payment provider.
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action.

Alimony or Child Support Payments

Acceptable methods of verification are listed below based on the current child support status of each child. The most applicable method must be provided for each individual child in the household:

COURT ORDERED:

- **If Child Support is Court Ordered:**
  Please provide the original document where child support was ordered or obtain the printout called "Family Law Case History" from the Courthouse in downtown Tampa. This can only be obtained from the Courthouse and must be retroactive one year from present day.

- **Child Support is Court Ordered and I do not receive child support, and I receive TANF:**
  Please provide copy of child support printout and TANF verification and statement from you declaring the name, address and phone number of the absent parent, with child's name and the reason for no support. The Child Support print- out referred to as "Family Law Case History" must be obtained from the Courthouse in downtown Tampa by the participant.

NEVER COURT ORDERED:

- **Yes, I receive Child Support voluntarily from the absent parent:**
  Need a notarized statement from the absent parent with his/her name, address, phone number, child's name, the amount he/she contributes and how often.

  If absent parent provides items instead of money, the notarized statement from the absent parent needs to describe the items supplied, the amount of money they spend on these items and how often provided. The absent parent's address, phone number and child's name is required.

- **No, I don't receive Child Support, Cash, or Contributions:**
  Need notarized statement from the absent parent with his/her name address, phone number, child's name and statement saying they are not providing any child support. A notarized statement from tenant declaring the name of the absent parent, his/her address, phone number, child's name, reason for no support. If the participant can not obtain a statement from the absent parent, the participant must provide a notarized statement citing reason.

NOTES:

- Custody: In cases of custody where the Section 8 family is not the biological/legal parent of the child, the above rules still apply and verification must be provided as it relates to BOTH absent parents. Legal custody verification that addresses the issue of child support for both absent parents may be used instead of above requirements.

- Court Ordered Child Support includes Child Support required through Court or the Child Support Enforcement Office in any State or that is required as part of your Divorce decree in any State.

Net Income from a Business

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
   - Schedule C (Small Business)
   - Schedule E (Rental Property Income)
   - Schedule F (Farm Income)

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

2. Audited or un-audited financial statement(s) of the business.
3. Credit report or loan application.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

At intake or annual recertification: If the applicant/participant is operating a "cash and carry" operation, the PHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being care for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

The PHA will conduct interim reevaluations every 120 days and require the participant to provide a log with the information about customers and income.

Recurring Gifts

The family must furnish a self-certification, which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

The family must also provide a notarized statement from the person who provides the gift to include the above information and the contributor's address and phone number.

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

The PHA will run a credit report if information is received that indicates the family has an unreported income source.

Families who report zero income are required to complete a written certification every 90 days in person at the PHA office. (For more information see Chapter 6, "Minimum Income" section).

Full-time Student Status

Only the first $480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants are not counted towards family income.

Verification of full time student status includes:

Written verification from the registrar's office or other school official.

School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution and tuition payment verification.

F. INCOME FROM ASSETS [24 CFR 982.516]

Savings and Checking Account Interest Income and Dividends

The PHA will consider all assets for income purposes, regardless of balances. If the family's total asset balance is under $5,000, the PHA will use actual income from the asset. If the family's total asset balance exceeds $5,000, the PHA will use the greater of the actual income from the asset or the imputed income based on HUD's passbook rate.

The PHA will use the current balance on savings accounts for asset calculations.

The PHA will use the average balance over a 3-month period on checking accounts for asset calculations.

Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the PHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

1. 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 family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

G. VERIFICATION OF ASSETS

Family Assets

The PHA will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following:

- Verification forms, letters, or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
- Real estate tax statements if the approximate current market value can be deduced from assessment.
- Financial statements for business assets.
- Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- Appraisals of personal property held as an investment.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all Certifications and Recertification, the PHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years proceeding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]

Child Care Expenses

Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

The PHA will make third party verbal contact with the child care provider to verify the information on the provider's statement.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
- Receipts, canceled check, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- 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, nonrecurring expenses from the previous year.
- The PHA will use mileage at the **IRS** rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

For attendant care: A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

In All Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS [24 CFR 5.617(b) (2)]

Verification of Legal Identity

In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.

Adults: The documents listed below will be considered acceptable verification of legal identity for **adults**. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

* Certificate of Birth, naturalization papers (required)
* Church issued baptismal certificate
* U.S. passport
* Voter's registration
* Company/agency Identification Card
* Current, valid Driver's license or current State-issued picture identification card (required)
* U.S. military discharge (DD 214)
* Department of Motor Vehicles Identification Card
* Hospital records

Minors: Documents considered acceptable for the verification of legal identity for **minors** may be one or more of the following:

* Certificate of Birth
* Adoption papers
* Custody agreement
* Health and Human Services ID
* School records

Verification of Marital Status

Verification of marriage status is a marriage certificate.

Verification of divorce status is a certified copy of the divorce decree, signed by a Court Officer.

Verification of separation:

1. **Preferred verification** is a copy of court-ordered maintenance or other legal records. If this verification is not possible, client must state the reason it is not possible in writing and proceed with the minimum verification required as noted below.

2. **Minimum Verification** Required:

   a) Client must complete a notarized “Affidavit of Section 8 Tenant (Separation)”.

   b) Only the original signed by the client is acceptable (no faxes).

3. **Case by Case Exceptions:** Depending on the circumstances involved in each case, additional items may be required to adequately verify the separation. For example, spouse was part of the household while client was receiving section 8 assistance (instead of spouse never having been part of the assisted household);

   a) Examples of additional items that may be required include the following:

      - Proof of residence of the spouse
      - Notarized statements from family/friends, etc.

4. **Lease Requirement**: In all cases where the spouse was part of the assisted unit prior to the separation, the client must also provide the PHA with a copy of the new lease or lease addendum showing that the owner has removed the spouse from the lease. The PHA will make third party verbal contact with owner, and document such contact directly on new lease, to verify new lease authorized household members.

Family Relationships

The following verifications of family relationships will always be required if applicable:

1. Verification of relationship:
   (a) Official identification showing names
   (b) Birth Certificates
2. Verification of guardianship:
   (a) Court-ordered assignment
   (b) Verification from social services agency

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the PHA will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.
- If no other proof can be provided, the PHA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Family Composition

The PHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as a physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510, 5.512, 5.514]

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA hearing is pending.

The head or spouse does not have to have eligible status as a citizen or eligible immigrant. At least one member must be eligible, which could be a child. Housing assistance must be prorated so only eligible members are subsidized.

If only a minor child has eligible status, the PHA does not have to determine if such a household headed by an illegal immigrant can enter into a lease, unless there is an issue as to whether an illegal immigrant can hold a lease under State or local law. Similarly, the ineligible non-citizen can sign documents such as the lease, voucher, etc., unless there is an issue as to whether an illegal immigrant can hold a lease under State or local law.

A household member is required to submit evidence of eligible status only once during continuous occupancy. The PHA does not verify immigration status every year. The PHA will only verify immigration status if there is a new family member or the family reports a change to an existing member.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

The PHA will require citizens to provide documentation of citizenship.

Acceptable documentation will include at least one of the following documents:

- United States birth certificate;
- United States passport;
- Resident alien/registration card;
- Social Security card; or
- Other appropriate documentation as determined by the PHA

Eligible Immigrants aged 62 or over are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

The PHA will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family.

Extensions of Time to Provide Documents

The PHA will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The PHA will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If the PHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for 24 months, unless the ineligible individual has already been considered in prorating the family's assistance.

Delay, Denial, or Termination of Assistance

The PHA may not delay, deny or terminate assistance to an applicant or currently assisted household if any of the following circumstances apply:

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

In the case of applicants, assistance may not be delayed until the conclusion of the INS appeal process, but may be delayed during the informal hearing process.

See Chapter 2 for information concerning household eligibility as related to the Citizenship rule.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. Acceptable evidence of the SSNs consists of:

a. An original SSN card issued by SSA;

b. An original SSA – issued document, which contains the same and SSN of the individual; or

c. An original document issued by a federal, state or local government agency, which contains the name and SSN of the individual

In accordance with 24CFR5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.

    1. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot be housed.

2. A family that consists of two or more household members and at least one household member that has eligible immigration status is classified as a mixed family and is eligible for prorated assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.

b. Existing program participants as of January 31, 2010 who have previously disclosed their SSN and HUD has determined the SSN to be valid. PHA's may confirm HUD's validation of the participant's SSN by viewing the household's Summary Report or the Identity Verification Report in the EIV system.

c. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- An identification card issued by an employer or trade union
- An identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- Bank Statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or Social Security Number from Social Security Administration

When a participant requests to add a new family member under the age of six, the assigned SSN should be provided. If the participant does not have the SSN, the participant must disclose the assigned SSN and provide the PHA with the documentation within 90 calendar days of the child being added to the household.

If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family and additional 90-day period to comply with the SSN disclosure and documentation requirement, if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the PHA. If they fail to provide this documentation, the family's assistance will be terminated.

A social security number is required for all Live-in Aides.

Exception for Larger Unit

A written certification that a larger unit is medically, or otherwise, necessary must be obtained from a licensed medical doctor if due to a medical reason, or other professional directly involved and knowledgeable, dependant upon the reason for the exception (i.e. social worker, licensed mental health professional). The certification must address the specific conditions that are required due to the medical or other need of the individual and the expected duration.

J. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 982.207]

Local Preferences

1. Disability Preference

This preference is available for families with a member who has a disability as defined in this Administrative Plan.

a. The PHA will require appropriate documentation from a knowledgeable professional. (See "Verification of Disability" section previously outlined in this chapter.)
b. An award letter or other proof of eligibility for Social Security Disability or Supplemental Security Income will be acceptable.
c. The PHA will not inquire as to the nature of the disability except as to verify necessity for accessible unit.

2. Working Preference

a. PHA will verify by 3rd party, either employment at least 20 hours or enrollment in accredited educational or training program designed to prepare the individual for the job market.
b. To verify elderly status to receive this preference automatically: head or spouse must be 62 years of age or older. The PHA will require proof of age which can be any of the following:
    - Birth certificate or other legal document.
    - Drivers License or State ID.

c. To verify disability status to qualify for this preference automatically: same as disability preference as noted above.

3. Involuntary Displacement

a. Families who claim they are being or have been involuntarily displaced due to either condemnation or other government action: written verification by the displacing unit or agency of government required.
b. Displacement by HUD disposition of a project: written verification from HUD.
c. Victims of domestic violence displaced as determined by written verification from recognized local agencies of domestic violence.

4. Disaster Survivors

As defined by authorized entities and approved by PHA based on disaster by disaster basis.

Chapter 8

VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

The PHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the 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 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 and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d) (2)]

When funding is available, the PHA will issue Vouchers to applicants whose eligibility has been determined. The number of Vouchers issued must ensure that the PHA stays as close as possible to 100 percent lease-up. The PHA performs a monthly calculation electronically to determine whether applications can be processed, the number of Vouchers that can be issued, and to what extent the PHA can over-issue (issue more Vouchers than the budget allows) to achieve lease-up.

The PHA may over-issue Vouchers only to the extent necessary to meet leasing goals. All Vouchers which are over-issued must be honored. If the PHA finds it is over-leased, it must adjust future issuance of Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant and Participant Briefing

A full HUD-required briefing will be conducted for applicant families who are preliminarily determined to be eligible for assistance. The briefings will be conducted in both group and individual meetings**.** After the family attends the group briefing they will then receive individual assistance from an intake Housing Counselor**.** In-coming portable families must also attend the established briefing.

Briefings will be conducted in English. Briefings may also be conducted in Spanish and other languages as needed, as provided for in the "Translation of Documents" section in Chapter 1.

The purpose of the briefing is to explain how the program works and the documents in the Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers. The briefing is also part of the continued process for determining eligibility requirements.

The PHA will not issue a Voucher to a family unless the household representative has attended an Orientation and signed the Voucher. A maximum of two (2) Orientations are scheduled per family.

Applicants who fail to attend the first Orientation will automatically be scheduled for the next available briefing. Applicants who fail to attend the second and final scheduled Orientation, without prior notification and approval of the PHA, will be denied admission, with informal review due process (see Chapter 15), based on failure to supply information needed for certification. The PHA will conduct individual Orientations for frail elderly families or families with disabilities at their home or via mail, upon request by the family as noted below in the "Waiver to Orientation Interview", if required for reasonable accommodation.

Waiver to Orientation Interview

On a case-by-case basis, a disabled or elderly family may be exempt from coming to the mandatory face-to-face orientation meeting. The following guidelines apply when the PHA makes the determination to waive this requirement:

1. There is no other able-bodied adult household member who can attend the briefing.
2. There is a written request from the HOH for the waiver with the specific reason they are unable to attend the face-to-face meeting.
3. There is third party verification (written or verbal) from the physician/medical professional to support the waiver. SSI/SS is not sufficient verification for the waiver.
4. Elderly waivers may be granted for people 70 years and older without the need for medical verification. They must request the waiver, preferably in writing or can be accepted verbally (documented by PHA in file). This waiver is granted when no other able-bodied adult in the household can attend the briefing for the applicant.
5. If the waiver is granted by the Supervisor or Manager, the case is assigned to a Housing Counselor. The Housing Counselor then arranges the method of conducting the orientation with the family. Dependant upon the nature of the accommodations needed for the disability or circumstances, the orientation can be done via mail, via phone, via home-visit, etc.
6. If the waiver is denied, the family will be notified in writing with the reason and be scheduled for the face-to-face orientation.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the Voucher program will comply with all HUD requirements.

The briefing packet will be given to all applicant families during the Intake Orientation process.

Participants who indicate the intent to move at, or before, their annual recertification, and In-coming and Out-going Portable families will also receive the briefing packet at the time of signing the voucher.

The briefing packet consists of the following information and materials:

- The term of the voucher, and the PHA policy for requesting extensions.
- Description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family; how the PHA determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the PHA determines the maximum allowable rent for an assisted unit (rent reasonableness).

- Where the family may lease a unit.
- The HUD required tenancy addendum, which must be included in the lease.
- The Request for Tenancy Approval (RFTA) form, and a description of the procedure for requesting approval for a unit.
- A statement of the PHA policy on providing information about families to prospective owners.
- The PHA Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected.
- The HUD brochure on how to select a unit**.**
- The HUD brochure on lead-based paint**.**
- Information on federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The PHA will also include the pamphlet "Fair Housing: It's Your Right" and other information about fair housing laws and guidelines, such as the "take one, take all" law and the phone numbers of the local fair housing agency and the HUD enforcement office.
- A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration (required for PHAs in MSAs).
- A list of landlords or other parties willing to lease to assisted families or help in the search and/or known units available for the voucher issued**.** The list includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.
- If the family includes a person with disabilities, notice that the PHA will provide assistance in locating accessible units and a list of available accessible units known to the PHA.
- The Family Obligations under the program.
- Landlord responsibilities.
- The grounds on which the PHA may deny or terminate assistance for a participant family because of family action or failure to act.
- PHA informal review and informal hearing procedures including when the PHA is required to offer an applicant or participant family the opportunity for an informal review or informal hearing, and how to request the review/hearing.
- Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability.
- A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.
- Requirements for reporting changes between annual recertifications.
- Fraud
- Information on security deposit.
- Housing Quality Standards Inspections.
- The Family Self-Sufficiency program.

If the family includes a person with disabilities, the PHA will ensure compliance with CFR 8.6 to ensure effective communication.

Owner Briefing

Briefings are held for owners as needed. New owners may be required to attend an owner briefing with the family head at the office to execute contracts and leases. Other owners will be encouraged to attend owner briefings to assure successful owner participation in the program and reduce potential future conflict between the owner and tenant. The briefings provide details on the program rules and roles and responsibilities of all three parties. Owner briefing packets are available and mailed to prospective owners upon request.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the PHA will provide assistance to families who wish to do so.

The PHA has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

The PHA will investigate and analyze when Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

* Providing families with a search record form to gather and record info.

* Counseling with the family.

* Providing information about services in various non-impacted areas.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The PHA will give participants a copy of HUD form 903 to file a complaint (HUD's Housing Discrimination Complaint Form).

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

The Housing Choice Voucher Program does not provide financial assistance with the security deposit between the tenant and owner.

The owner is not required to but may collect a security deposit from the tenant.

Security deposits charged to families may be any amount the owner wishes to charge**,** subject to the following conditions:

Security deposits charged by owners may not exceed those charged to unassisted tenants or the maximum prescribed by State or local law.)

For lease-in-place families, who wish to remain in the unit they lived before Section 8 assistance, the responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER [24 CFR 982.303, 982.54(d) (11)]

During the Orientation session for Applicants and In-coming Portables, and during Interviews for Participants who are moving, each household will be issued a Voucher which represents a contractual agreement between the PHA and the Family specifying the rights and responsibilities of each party. It does not constitute admission of applicants to the program which occurs when the lease and contract become effective.

Expirations

The Voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Approval of the Tenancy and proposed Lease within the sixty-day period unless a written extension has been granted by the PHA authorized staff.

"Submitted RFAT" is defined as the PHA date and time stamp on the RFAT. The postmark date may only be used when the RFAT is submitted after the voucher expiration date. If the postmark date is within the voucher term, the RFAT will be accepted.

The expiration date of the voucher is a calendar day and no exceptions are made to accommodate weekends or holidays. The family must plan and submit the RFAT prior to the voucher expiration date accordingly.

If the Voucher has expired, and has not been extended by the PHA or expires after an extension, the family will be processed for intent to deny or terminate assistance. The family will be offered a review or hearing in accordance with "Complaints and Appeals" chapter 19. If the family is currently assisted and the voucher expires, they may remain as a participant in their unit if there is an assisted *lease/contract in effect* and the owner permits (see Chapter 12 regarding renewing in place when the voucher has not expired).

Suspensions

When a Request for Approval of Tenancy is received, the PHA will not deduct the number of days required to process the request from the 60 day term of the voucher. In other words, there is no "tolling."

Extensions

The family must request extensions in writing and the request must be received in the main PHA office, as evidenced by the PHA date/time stamp, prior to the expiration date on the voucher. The postmark date will not be considered. The request must explain the reason the family was unable to secure a suitable unit within the established deadline and provide sufficient supporting evidence where appropriate.

Extensions are permissible at the discretion of the PHA up to a maximum of an additional 60 days primarily for these reasons:

Extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.

The PHA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the PHA, throughout the initial sixty-day period. A completed search record may be required.

The family was prevented from finding a unit due to disability accessibility requirements or large size (4+ bedroom) unit requirement. The Search Record may be part of the required verification.

The PHA extends in one or more increments. Unless approved by the Manager or Supervisor, no more than 2 extensions of 30 days or less will be granted and never for a total of more than an additional sixty days.

Change in Voucher Size Effect on Voucher Term

When a family who has already been issued a voucher, has a change to the voucher size during the term of the initial voucher, the PHA will cancel the existing voucher and issue a new 60 day second voucher once with the new bedroom size. If the voucher size changes again midstream, the second voucher will be updated to reflect the new bedroom size without issuing a new third voucher.

Issuing the Voucher

All vouchers and extensions are issued in person with the head of household at the PHA office. The family must receive a copy of the voucher and any extensions at this time; an original is kept in the file. When an approved voucher extension needs to be mailed to the family as an exception accommodation, it must be mailed via certified mail and the file must be documented as to the reason it was not issued in person.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the PHA Office to request assistance. Voucher holders will be notified at their Orientation session that the PHA periodically updates the listing of available units and how the updated list may be obtained.

The PHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS 24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Supervisor shall consider the following factors to determine which of the families will continue to be assisted:

- Which of the two new family units has custody of dependent children.
- The composition of the new family units, and which unit contains elderly or disabled members.
- Whether domestic violence was involved in the breakup.
- Which family members remain in the unit.
- Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the PHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER [24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by the PHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

The court has to have awarded emancipated minor status to the minor, or

The PHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the children for an indefinite period.

Refer to "Caretaker for Children" section in chapter 6 for more information on this topic.

A reduction in family size may require a reduction in the voucher family unit size in accordance with Chapter 5 of the Housing Administrative Plan.

Chapter 9

REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

[24 CFR 982.302]

INTRODUCTION [24 CFR 982.305(a)]

The PHA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The PHA's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the PHA, (Hillsborough County in west Central Florida, exclusive of the municipality of Plant City, Florida) or outside of the PHA's jurisdiction if they qualify for portability. An agreement has been established with the Tampa Housing Authority to enable tenants to procure residences within the two designated service districts without need of portability. 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 Contract with the PHA. This Chapter defines the types of eligible housing, the PHA's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Tenancy Approval (RFTA).

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.302, 982.305(b)]

The Request for Tenancy Approval (RFTA) and a copy of the proposed Lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Tenancy Approval in the form and manner required by the PHA.

The Request for Tenancy Approval must be signed by both the owner and Voucher holder.

The PHA will not permit the family to submit more than one RFTA at a time.

The PHA will review the proposed lease and the Request for Tenancy Approval documents to determine whether or not they are approvable. The Request will be approved if:

The unit is an eligible type of housing

The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)

The rent is reasonable

The Security Deposit is approvable in accordance with any limitations in this plan.

The proposed lease complies with HUD and PHA requirements (See "Lease Review" section below).

The owner is approvable, and there are no conflicts of interest (See "Owner Disapproval" section below).

In addition to the above, at the time a family initially receives assistance in a unit (new admissions and moves), if the gross rent for the unit exceeds the applicable payment standard for the family, the family share of rent may not exceed 40 percent of the family monthly adjusted income (See "Owner Rents, Rent Reasonableness and Payment Standards" chapter of this Administrative Plan).

Disapproval of RFTA

If the PHA determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The PHA will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given 7 calendar days to submit an approvable RFTA from the date of disapproval.

When, for any reason, an RFTA is not approved, the PHA will furnish another RFTA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing, as long as the voucher has not already expired.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353]

The PHA will approve any of the following types of housing in the Voucher program:

- All structure types can be utilized.
- Manufactured homes where the tenant leases the mobile home and the pad.
- Group Homes
- Congregate facilities (only the shelter rent is assisted)
- Single room occupancy

A family can own a rental unit but cannot reside in it while being assisted. A family may lease in and have an interest in a cooperative housing development.

The PHA may not permit a Voucher holder to lease a unit which is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

The PHA will not approve a unit where the landlord uses or intends to use any area of the subsidized rental unit (interior or exterior) for personal use (i.e. storage shed).

C. LEASE REVIEW [24 CFR 982.308]

The PHA will review and approve the lease, particularly noting the optional charges and compliance with regulations and State and local law. The tenant also must have legal capacity to enter a lease under State and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the on the Request for Tenancy Approval.

The family and owner must submit a standard form lease used in the locality by the owner and that is generally used for other unassisted tenants in the premises. The terms and conditions of the lease must be consistent with State and local law.

The lease must specify:

- The names of the owner and tenant, and
- The address of the unit rented (including apartment number, if any), and

- The amount of the monthly rent to owner, and
- The utilities and appliances to be supplied by the owner, and
- The utilities and appliances to be supplied by the family.

The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed.

Effective September 15, 2000, the owner's lease must include the Lead Warning Statement and disclosure information required by 24 CFR 35.92(b).

House Rules of the owner may be attached to the lease as an addendum, provided they are approved by the PHA to ensure they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

The lease must provide that drug-related criminal activity engaged in by the tenant, any household member, or any guest on or near the premises, or any person under the tenant's control on the premises is grounds to terminate tenancy.

The lease must also provide that the owner may evict family when the owner determines that:

- Any household member is illegally using a drug; or
- A pattern of illegal use of drug by any household member interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

Actions Before Lease Term

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

The PHA has determined that the rent charged by the owner is reasonable;

The PHA has inspected the unit and has determined that the unit satisfies the HQS;

The PHA has approved leasing of the unit in accordance with program requirements;

The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum;

For new and movers: When the gross rent exceeds the applicable payment standard for the family, the PHA must determine that the family share (total family contribution) will not be more than 40% of the family's monthly adjusted income.

D. 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.

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

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 the PHA.

Any appliances, services or other items which are 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.

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, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the PHA. If agreements are entered into at a later date, they must be approved by the PHA and attached to the lease.

E. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See "Housing Quality Standards and Inspections" chapter of this Administrative Plan.

F. RENT LIMITATIONS [24 CFR 982.507]

The PHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises. See also Chapter 11, Owner Rents, Rent Reasonableness, and Payment Standards for further rent related information.

By accepting each monthly housing assistance payment from the PHA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner is required to provide the PHA with information requested on rents charged by the owner on the premises or elsewhere.

At all times during the tenancy, the rent to owner may not be more than the most current reasonable rent as determined by the PHA.

G. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed gross rent is not reasonable, at the family's request, the PHA will negotiate with the owner to reduce the rent to a reasonable rent. If the rent is not affordable because the family share would be more than 40% of the family's monthly adjusted income, the PHA will negotiate with the owner to reduce the rent to an affordable rent for the family.

At the family's request, the PHA will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to the owner.

If the rent can be approved after negotiations with the owner, the PHA will continue processing the Request for Tenancy Approval and lease. If the revised rent involves a change in the provision of utilities, a new Request for Tenancy Approval must be submitted by the owner.

If the owner does not agree on the Rent to Owner after the PHA has tried and failed to negotiate a revised rent, the PHA will inform the family and owner that the lease is disapproved. (See "Disapproval of RFTA" section of this Chapter).

H. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d) (7)]

In accordance with HUD requirements, the PHA will furnish prospective owners, upon their request, the family's current address as shown in the PHA's records and, if known to the PHA, the name and address of the landlord at the family's current and prior address.

The PHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The 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, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the PHA's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

The PHA will provide the following information, based on documentation in its possession:

* Eviction history * Damage to rental units * Drug Trafficking by family members

The information will be provided for the last 5 years. The information will be provided orally.

Only the Housing Counselor or above may provide this information. The PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

The PHA will not provide any information which violates the Privacy Act of 1974 (5USC Section 552a).

I. OWNER DISAPPROVAL [24 CFR 982.306]

See Chapter on "Owner Disapproval and Restriction."

J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Family Share prior to the effective date of the HAP contract at admission, the information will be verified and the Total Family Share will be recalculated. This may effect eligibility, affordability and voucher size. If the family does not report any change, the PHA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

K. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The PHA prepares the Housing Assistance Contract for execution. The family and the owner will execute the Lease agreement, and the owner and the PHA will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The PHA will retain a copy of all signed documents.

The PHA makes every effort to execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The following PHA representative(s) are authorized to execute a contract on behalf of the PHA:

- Supervisor or designated Senior Housing Counselor
- Operations Manager
- Director

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security Number.

If ownership cannot be verified by the Property Appraisers Database, the Owners must submit legal proof of ownership of the rental property, such as a recorded Warranty Deed and a copy of the Management Agreement if the property is managed by a management agent.

The owner must provide a home telephone number and business number if applicable.

A family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member, or in-law relationship. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

When a HAP contract is in effect, a new lease must be approved in accordance with program requirements and a new HAP contract executed in the following cases:

- If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
- If there are any changes in lease provisions governing the term of the lease;
- If the family moves to a new unit, even if the unit is in the same building.

L. CHANGE IN OWNERSHIP

See "Owner Disapproval and Restriction" chapter.

Chapter 10
HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and 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.

The PHA will inspect each unit under contract at least annually. The PHA will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the PHA's required standards and to assure consistency in the PHA's program. This Chapter describes the PHA's procedures for performing HQS and other types of inspections, and PHA 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. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and PHA requirements. (See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.) The PHA reserves the right to out-source inspectional services for efficiency and/or cost-effectiveness.

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

The PHA has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.

All units must meet the minimum standards set forth in the Hillsborough County Minimum Housing Code. In cases of inconsistency between the Code and these HQS, the stricter of the two shall prevail.

The PHA will be HQS compliant, where applicable, for any Special Housing Types. (See chapter on Special Housing Types.)

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The PHA will not promote any additional acceptability criterion which is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

The family must allow the PHA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.551 (d)]

Inspections will be conducted on business days only.

The PHA will notify the family in writing or by phone at least 3 days prior to the inspection, excluding special/complaint inspections and quality control inspections.

The PHA allows a maximum of 3 inspections within HQS enforcement time limits. The first inspection and one re-inspection are conducted free of charge, pursuant to 24CFR982, 405(e). A third and final re-instatement inspection may be allowed for a fee of fifty dollars ($50) paid in advance to the housing agency, prior to scheduling, to cover associated cost of service due by the owner.[1] The owner will not be charged the re-inspection fee if determined at the inspection and noted accordingly on the report that infractions are the responsibility of the family. The family may be cited for violation of HQS family obligations and failure to comply may result in termination of assistance in accordance with this Administrative Plan.

There are four types of inspections the PHA will perform:

1. **Initial/Move-in:** Conducted upon receipt and approval of Request for Tenancy Approval (also referred to as an "RFAT").
2. **Annual:** Must be conducted within 365 days of the last annual inspection.
3. **Special/Complaint:** At request of owner, family or an agency or third-party.
4. **Quality Control:** Initiated by PHA to ensure quality of inspectional process.

B. INITIAL/MOVE-IN HQS INSPECTION [24 CFR 982.401(a), 982.305(b) (2)]

The Request for Tenancy Approval (RFTA) form includes "date unit available for inspection". The PHA uses this date to schedule the initial inspection and notifies the owner for access to the unit.

The PHA will inspect the unit, determine whether the unit satisfies HQS and notify the owner of the determination in writing. The time frame for completion of this process is 15 days from PHA receipt of the RFTA, or date unit is declared available for inspection, whichever is applicable.

The PHA will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

The PHA will periodically review the average time required for a family and owner to have a unit inspected from the time the RFAT is submitted by the family or owner to the PHA, to improve efficiency in this area.

The Initial Inspection will be conducted to:

- Verify unit address.
- Determine if the unit and property meet the HQS defined in this Plan.
- Document the information to be used for determination of rent-reasonableness.

If the utilities are not in service at the time of inspection, it is inconclusive and the Inspector will notify the tenant or owner (whomever is present at the inspection) to have the utilities turned on and to call for a re-inspection. A HAP contract will not be generated until all utilities are in service and inspected prior to effective date of the HAP contract.

[1] Emergency Re-Inspections are considered a follow-up visit to verify that the 24-hour repair items cited were addressed and are not counted as a 2nd inspection.

If the tenant is responsible for supplying the stove and/or the refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS requirements. The family must then certify in writing to the PHA that the appliances are installed in the unit and in proper working condition. The PHA will not conduct a re-inspection.

If the unit fails the initial Housing Quality Standards inspection, the owner will be advised to notify the PHA once repairs are completed to request a re-inspection in accordance with the PHA's time standards for repair. A courtesy copy will be mailed to the family.

Time Standards for Repairs

On an initial inspection, the owner will be given up to 30 days to correct the items noted as failed. In special circumstances (depending on the amount and complexity of work to be done), an extension may be requested for approval by the Operations Manager.

If the time period given by the PHA to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family must select another unit to maintain eligibility with the program.

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The PHA conducts an annual inspection in accordance with the PHA's Housing Quality Standards and HUD policies. Special inspections may be scheduled by the PHA at any time between anniversary dates when deemed necessary. Payments will be immediately suspended on all properties failing inspection. Failed units must pass re-inspection within the time periods stated below to qualify for release of suspended payments. Otherwise abatement procedures will apply. No payments will be made on properties in failed status.

Scheduling

The family and owner are notified of the date and time of the inspection appointment by mail or phone. If the family, adult representative or owner is unable to be present between the reasonable hours of 8:00 a.m. and 5:00 p.m., the family must contact the PHA at least one (1) week prior to the scheduled date to reschedule the appointment so that the inspection is completed within 10 business days. The family is ultimately responsible for all rescheduling of missed annual inspection appointments.

If the family does not contact the PHA to reschedule the inspection or if the family misses 2 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.

Scheduling a re-inspection for a failed unit

The owner or family may call the PHA to schedule the re-inspection. The primary responsibility for rescheduling rests on the party that was responsible for the deficiency.

Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notification (see "Emergency Repair Items" section of this chapter).

For non-emergency items, repairs must be made and reinspected within 30 days.

For major repairs, the Operations Manager may approve a written extension beyond 30 days upon receipt of written request clearly documenting the circumstances at hand that prevent compliance with PHA policy.

The Operations Manager may waive the need for a re-inspection on non-emergency items when verifiable evidence is presented by the property owner/manager that demonstrates the repairs have been made within the specified time period allotted. If waiver is exercised and the Inspector at the next scheduled visit determines that false information was provided to the housing agency, the property owner/manager will be required to repay all un-qualifying payments made since the approval date and will also be de-barred from doing business with the Section 8 program for five years.

Rent Increases

Rent to owner increases will not be approved for units in a failed condition, nor will the PHA execute a contract on units in failed status.

D. MOVE OUT/VACATE

A move out inspection by the PHA will not be performed.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the PHA in writing that the unit does not meet Housing Quality Standards, the PHA will conduct a Special Inspection.

The PHA may also conduct a Special Inspection based on information from qualifying third parties such as neighbors, private citizens, or public officials.

The PHA will conduct a full inspection at these visits on deficiencies identified using the Annual HQS Inspections form and associated time standards for repairs. The responsible party will be required to make the necessary repairs on all deficiencies identified as per PHA deadlines.

Special/Complaint inspections replace PHA required annual inspections because a full inspection is conducted.

Time Standards for Repairs

Deficiencies must be corrected and the unit reinspected in accordance with the time standard requirements as specified for Annual HQS inspection.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control Inspections (QCI) are full inspections performed by a Supervisor or designated Section Manager. Six (6) cases are referred for QC inspection monthly, based on the file sample selected by the PHA as required for annual completion of the SEMAP. The purpose of Quality Control Inspections is to: 1) ascertain that each inspector is conducting accurate and complete inspections, and 2) to ensure that there is consistency among inspectors in the application of the HQS.

The sampling of files will include recently completed inspections (within 5 business days of the original inspection), that includes a cross-section of neighborhoods, unit types and inspectors. Quality Control inspections do not serve to replace Annual HQS inspections.

Quality Control Inspection Selection Process: A stratified selection is drawn from a log listing all recently conducted inspections, to include initial and annual inspections. The selection process consists of two phases. In the first phase, the selection is made randomly by dividing the total number of inspections conducted within the 5 business day requirement by the sampling size. The resulting figure is the nth file that is pulled from the list until the sampling size is reached. This becomes the preliminary sample. The second phase of the selection process involves looking at the preliminary sample as a whole to ensure it is stratified to represent a cross section of neighborhoods (zip code) and the work of a cross section of inspectors. All things being equal, the PHA further stratifies by unit structure type. The 2nd phase is implemented by process of elimination. As a file gets eliminated on the preliminary report based on not meeting the cross section of neighborhoods or inspectors, the next file listed either above or below gets evaluated for stratification purposes. This continues until the final stratified sample is achieved. Finally, the PHA ensures the unit is still "active" with the program before committing it for QCI.

Scheduling

The PHA selects a specified number that are presented to the Housing & Community Code Enforcement supervisor monthly.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The PHA adheres to the HQS acceptability criteria in the program regulations as stipulated in 24CFR982.401 and local codes as stipulated in the Hillsborough County Minimum Housing Code Ordinance No. 96-2, as amended, whichever is more restrictive.

H. EMERGENCY REPAIR ITEMS [24 CFR 982.404(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Smoke Detectors
- Electrical problem which could result in shock or fire
- Utilities not in service
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of functioning toilet

In 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 make the repair, proper authorities will be notified by the PHA.

If the emergency repair 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. Where it is a family obligation, the PHA will terminate the assistance.

Smoke Detectors

If the smoke detector is not operating properly, the Inspector will inform the tenant and contact the owner by phone to request repair of the smoke detector within 24 hours. The Inspector will re-inspect the unit on the next business day to ensure compliance.

If the inspector determines that the family has caused the infraction, the family will be required to repair the smoke detector within 24 hours. The Inspector will re-inspect the unit on the next business day.

The PHA will issue a written warning to any family determined by the Inspector to have purposely disabled a unit's smoke detector. The warning will state that deliberate action is a health and fire hazard, and is considered a violation of the HQS.

I. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

The following HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service 24 hours
- Failure to provide or maintain family-supplied appliances
- Damages to the unit or premises caused by the tenant, a household member or a 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.
- Smoke Detectors (see "Emergency Repair Items")

Unless otherwise stated, the owner is responsible for all other HQS violations.

The Inspector will determine if an HQS breach as identified in 24 CFR 982.404(b) is the responsibility of the family or the owner and will denote this on the inspection report. Families may be given extensions to cure HQS breaches by the Operations Manager upon receipt of a written request specifying the need for waiver.

The owner is responsible for vermin infestation, even if caused by the family's living habits. However, if such infestation is serious and chronic due to unsanitary practices, it may be considered a lease violation and the owner may evict the tenant in accordance with the lease provisions. The PHA may also terminate the family's assistance on said basis.

J. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS) [24 CFR 982.405, 982.453]

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 PHA will take the following HQS enforcement actions:

Potential Abatement (0—30 Days) – Suspension of Payments:

When a unit initially fails inspection, Housing Assistance Payments to the landlord will be suspended immediately and a Notice of HQS Deficiency will be sent to the owner along with a copy of the failed items. A courtesy copy is sent to the family. The owner will be given up to 30 days to make the necessary repairs and have the unit re-inspected to avoid abatement.

If the unit passes inspection within 30 days from the failed inspection, the suspension will be lifted and payments will be processed on next check cycle without abatement.

Abatement (31—60 Days):

If the unit does not pass inspection within 30 days of the failed inspection, a Notice of Abatement will be sent to the owner and the rent is abated for the next month and subsequent month's rent on a pro-rata basis until the unit passes inspections or the contract is cancelled. This notice will also specify intended contract cancellation date and the family will be issued a voucher to seek alternative housing. The PHA will issue the family a voucher and RFTA to exercise their option to move, should they desire or should the contract cancellation become finalized.

When the repairs and re-inspection are done between days 31 and 60 from the failed inspection, the abatement will be prorated from the date the unit passes. The number of days abated will be calculated by taking the number of days from the beginning of the dated month to the date the unit passed, excluding the passed date.

For example: The unit fails inspection on May 21st. On May 22nd, the owner is sent a Notice of Potential Abatement requesting a correction of deficiencies by June 20th and the notice contains language that failure to comply will result in abatement of payment July 1st. The owner does not comply and abatement is placed on July 1st. The owner requests a re-inspection following abatement and passes the re-inspection on July 10th. HAP payments will be reinstated on July 10th, resulting in a nine-day sanction. The PHA will not withhold HAP payments to recover the time the unit was out of compliance with HQS from June 20th through June 30th.

The PHA will inspect abated units promptly upon receipt of owner's notification that the work has been completed and the unit is ready for inspection.

The tenant is only responsible for their portion of the rent and is not responsible for the PHA's portion of rent that is abated. A valid lease and contract must be in effect at all times.

The owner's rent will not be abated for items which are the family's responsibility (see section on "Consequences if Family is Responsible").

Contract Cancellation

If the unit does not pass for 60 consecutive days from the failed inspection date, the contract will be cancelled effective the end of the month after 30 days notice to the family, as long as there is a valid HAP contract in effect. In the absence of a valid HAP contract, the cancellation date is the end of the month of the 61st day. If the family remains in the unit, the family will be responsible for the full rent. If repairs are completed after the effective cancellation date, the cancellation may be rescinded by the Operations Manager if the tenant declares in writing they choose to remain in the unit. Only one Housing Quality Standards Inspection will be conducted after the cancellation notice is issued.

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family to make any repair(s) or corrections within 24 hours for emergency and 30 days for non-emergency items. If the repair(s) or correction(s) are not made, the PHA will take the following HQS enforcement actions.

Potential Termination: When HQS violations are family responsibility, a Notice of HQS Deficiency will be mailed to the family and owner indicating the repair must be made and the unit passed within 24 hours for emergency items, 30 days for non-emergency items, of the failed inspection date to avoid family termination of assistance.

End-of Participation (EOP): If the unit does not pass inspection within the 24-hour or 30-day requirement from the failed inspection date, the family will be processed for termination and a right to request an informal hearing will be provided.

The utility reimbursement to the family will not be abated as long as there is a contract in effect, regardless of who is responsible for the deficiency (e.g. family, owner).

Upon request of the family, the PHA will re-inspect the unit during the due process period and prior to the 61st day from the failed date. Extensions in these cases must be presented in writing for approval by the Operations Manager. The owner's rent will not be abated for items which are the family's responsibility. If the unit passes the inspection before an informal hearing is conducted, the informal hearing will be cancelled unless requested otherwise by the tenant.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

L. HQS ENFORCEMENT RULE FOR FAILED INSPECTIONS

24 Hour Enforcement – *Emergency Repair Items:*

The Section 8 Administrative Plan, in accordance with HUD guidelines, identifies the following conditions to be of an emergency nature requiring corrective action within 24 hours of the inspection:

- 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 service
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of functioning toilet
- Smoke detectors

When emergency deficiencies are identified, the Inspector is required to immediately contact the property owner by telephone to request compliance within 24 hours from the date of inspection and to inform the owner that the unit will be re-inspected the next business day.

The Inspector will provide a copy of the "24 hour Violation Notice" to the owner or client (or both) at the inspection site following the inspection.
The Inspector will contact the PHA Liaison following the failed inspection to inform the PHA of a failed unit that has an emergency repair violation and confirm contact with owner.

The PHA Liaison will follow-up with contact to the property owner by telephone or fax, if possible, and by certified mail (for documentary purposes only), to formally notify the owner of a violation and a pending re-inspection. HUD mandated consequences to the owner for non-compliance will be conveyed to the owner by the PHA Liaison.

The Inspector will return to re-inspect the unit on the next business day for compliance of the emergency violation(s) in accordance with the 24 hour policy.

Upon completion of the re-inspection, the Inspector will immediately notify the PHA Liaison whether or not the violations have been corrected. If the emergency item was not corrected, the PHA Liaison will notify the appropriate PHA staff to initiate required action to include abatement, contract termination with owner, or benefit termination for client.

30 Day Enforcement – *Non-Emergency Repair Items:*

Although actions exercised by the PHA for failed inspections differ for tenants and owners, the re-inspection of non-emergency items shall occur according to the 30-day rule as described in the Section 8 Administrative Plan, and as noted below:

When a unit fails an inspection with owner **and** tenant responsibility for the violations, a re-inspection will be scheduled by the PHA within the 30 day mandate, when either the owner or tenant advises the PHA that their portion of the violations has been corrected. The PHA must re-inspect that party's correction even if the other party has not fulfilled their part of the failed report.

If the unit is not re-inspected to confirm the owner's compliance within the initial 30-day mandate, the re-inspection is considered overdue for the owner, and the Housing Assistance Payment (HAP) will be abated as required.
If the unit is not re-inspected to confirm the tenant's compliance with the 30-day mandate, the re-inspection is considered overdue for the tenant and the Section 8 assistance will be at risk.
Owner requests for re-inspection extension when multiple violations cited: The unit must be scheduled for re-inspection within 30-days to confirm that all violations not addressed in the extension, have been properly corrected. The PHA will schedule a re-inspection accordingly. A subsequent visit will be conducted to inspect the infractions approved for extension.

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.502, 982.503, 982.504, 982.505, 982.507]]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the "merger date". These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

All Section 8 participant families in the PHA have been transitioned to the Housing Choice Voucher Program on or before October 1, 2001. Rent calculation methods for the Housing Choice Voucher Program are described at 24 CFR 982.505. The rent calculation formula is specific and is not subject to interpretation.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This Chapter explains the PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The Rent to owner is limited by the following factors:

1. Rent Reasonableness: The PHA must demonstrate that the Rent to owner is reasonable in comparison to rent for other comparable unassisted units.

2. Maximum Rent Standard at initial occupancy (24 CFR 982.508): At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, if the gross rent for the unit exceeds the applicable payment standard for the family, the family share may not exceed 40 percent of the family's monthly-adjusted income.

3. During the initial term of the lease, the owner may not raise the rent to owner.

4. Rent increases to owner after the initial term of the Lease:

   - Owners must request the rent increase in writing to the PHA**.** 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. The unit must be in a passed HQS inspection status to be considered for a rent increase.

   - The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations, a rent reasonableness determination and PHA funding constraints. The adjustment may be an increase or a decrease.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.

Rent to Owner in Subsidized Project

This section applies to a program tenancy in any of the following types of federally subsidized project:

- An insured or non-insured Section 236 project;
- A Section 202 project;
- A Section 221(d)(3) below market interest rate (BMIR) project; or
- A Section 515 project of the Rural Development Administration.

How rent to owner is determined: The rent to owner is the subsidized rent as determined in accordance with requirements for the applicable federal program listed in paragraph (a) of this section. This determination is not subject to the prohibition against increasing the rent to owner during the initial lease term (24 CFR 982.451).

Pro-Rata HAP Payment

Should a family's unit pass inspection and the family is entitled to move into unit any day after the 1st of the month, the HAP payment will be prorated by the actual calendar days left in the month when the client moves in.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed, the PHA begins processing payments to the landlord by Direct Deposit to the owner's financial institution of choice. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. Rental subsidy payments are electronically deposited to the owner's account on the 1st of each eligible month by the Hillsborough County Clerk of Circuit Court. Regular disbursement of HAP payments occur on the first day of the month. Additional processing of payments may occur during the month to accommodate mid-month adjustments. Exceptions to the disbursement schedule may be made with the approval of the Operations Manager in cases of hardship.

A Direct Deposit Payment Authorization form must be completed for direct deposits into payee's financial institution account. Direct Deposit application forms are available for downloading from the PHA's website at www.hillsboroughcounty.org/hss/section8.

Payments that are lost will not be replaced until after the 10th calendar day of the month. A written request from the payee, Affidavit for Loss, Damage, or Non-Receipt of Payment form and a department memorandum to void/rewrite check must be submitted to the PHA for reissuing.

Excess Payments

The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the PHA" chapter of this Administrative Plan.

Late Payments to Owners

The PHA will pay a $25 late fee to the owner for housing assistance payments that are not received by the owner by the 10th day of the month, if requested in writing by the owner. If payment is on hold as documented in the file or the computer system, no late fees will be paid if it is the fault of the landlord or client.

Proof of disbursement date will be the Direct Deposit date that payments were electronically transferred to the owners' financial institution account by the Accounting section of the Clerk of the Circuit Court.

Proof of "Received by Owner" will be nine calendar days after date of Direct Deposit by the Accounting section of the Clerk of Circuit Court. Direct Deposit details will be provided in PDF format to owner's e-mail address.

The PHA will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the PHA's control, such as a delay in the receipt of program funds from HUD. The PHA will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

The PHA will not use any HAP funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

The 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. This applies to all programs.

The PHA will not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. The PHA must re-determine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The PHA must re-determine rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system. The 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 the PHA

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere. The PHA will only request information on the owner's units elsewhere if the PHA has cause to demonstrate that the owner has a tendency to charge higher rents to program participants or if needed for rent reasonableness comparables.

The data for other unassisted units will be gathered from newspapers, Realtors, professional associations, inquiries of owners, market surveys, internet, Property Appraiser's Office and other available sources.

The market areas for rent reasonableness are zip codes or neighborhoods within the PHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Size (number of Bedrooms or square footage)
- Location (based on zip code)
- Unit Type (i.e. structure type: single family, multifamily, mobile home, duplex)

If data is available to the PHA, the following items may also be considered but are not required:

- Age of unit
- Quality
- Utilities
- Amenities (bathrooms, dishwasher, air conditioning, etc.)

The PHA utilizes the resource of the GoSection8.com website to assist with the Rent Reasonableness process.

Rent Reasonableness Methodology

The PHA has developed and is implementing the following steps to determine reasonable rents which consider location by zip code, bedroom size (or unit square footage), structure type, and other factors if available such as age, quality and utilities and amenities:

1. Provide all PHA staff access and utilization training of the internet and relative resources including local and regional newspapers and apartment guide publications for conducting comparables analysis.
2. Establish a database of comparable unassisted units in coordination with the Property Appraiser's office for various structure types and rental properties throughout Hillsborough County.
3. A list of properties available for leasing to assisted families is produced weekly. The listing is used for comparative analysis of current market costs for affordable rental units in the jurisdiction.
4. Research, procure and train staff on appropriate software for Rent Reasonableness.
5. Continued review and analysis of inspectional process as it relates to Rent Reasonableness requirement.
6. Review of forms (e.g., RFAT, Inspection Report and Rent Reasonableness certification) and processes identifying opportunities for improvement
7. Modify forms and processes to meet HUD requirements and agency procedures.
8. Conduct staff and inspector training on new forms and processes adopted.
9. Conduct owner's meeting to explain unit eligibility and Rent Reasonableness process and requirements.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation and at the PHA's discretion, the Voucher Payment Standard amount is set by the PHA between 90 percent and 110 percent of the HUD published FMR. This is considered the basic range.

The PHA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the PHA will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD.

The PHA will establish a single voucher payment standard amount for each FMR area in the PHA jurisdiction. For each FMR area, the PHA will establish payment standard amounts for each "unit size". The PHA may have a higher payment standard within the PHA's jurisdiction if needed to expand housing opportunities outside areas of minority or poverty concentration, as long as the payment standard is within the 90-110% of FMR range.

If the PHA increases its payment standard, the payment standard in place on the effective date of the HAP contract will remain in place for the duration of the HAP contract term or until the **next** annual reexamination, whichever comes first.

If the PHA lowers its payment standard, the payment standard in effect on the effective date of the HAP contract will remain in effect until the family moves to another unit or until the **next** annual reexamination after the PHA decreases its payment standard.

The PHA may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. The PHA will not raise Payment Standards solely to make "high end" units available to Voucher holders. The PHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

If it is determined that particular unit sizes in the PHA's jurisdiction have payment standard amounts that are creating rent burdens for families, the PHA will modify its payment standards for those particular unit sizes.

Quality of Units Selected

The PHA will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

PHA Decision Point

The PHA will review the average percent of income that families on the program are paying for rent. If more than 30% of families are paying more than 30% of monthly adjusted income for a particular unit size, the PHA will determine whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's HQS and any additional standards added by the PHA in this Administrative Plan.

If families are paying more than 30% of their income for rent due to the selection of larger bedroom size units or luxury units, the PHA may decline to increase the payment standard.

Rent to Owner Increases

The PHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

The PHA may consider the average time period for families to lease up under the Voucher program. If more than 25% of Voucher holders are unable to locate suitable housing within the term of the voucher and the PHA determines that this is due to 25% of rents in the jurisdiction being unaffordable for families even with the presence of a voucher the Payment Standard may be adjusted.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

Financial Feasibility

Before increasing the Payment Standard, the PHA may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by the PHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation 24 CFR 982.503(c).

G. OWNER PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM (24 CFR 982.308(G)

The owner is required to notify the PHA, in writing, at least sixty days before any change in the amount of rent to owner is scheduled to go into effect. Any requested change in rent to owner will be subject to rent reasonableness requirements and PHA limitations based on funding constraints. See 24 CFR 982.503.

Chapter 12

RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the PHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Re-certifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the PHA's policy for conducting annual re-certifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are two activities the PHA must conduct on an annual basis:

1. Recertification of Income and Family Composition
2. HQS Inspection

The PHA produces a monthly listing of units under contract to ensure that timely reviews of housing quality and factors related to Total Tenant Payment/Family Share can be made.

Requests for rent adjustments will be forwarded to the Supervisor**.**

Reexamination of the family's income and composition must be conducted at least annually. This must occur even if other annual activities are not completed at the same time.

Annual inspections: See "Housing Quality Standards and Inspections" chapter.

Rent Adjustments: See "Owner Rents, Rent Reasonableness and Payment Standards" chapter.

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

Moves Between Reexaminations

When families move to another dwelling unit:

The anniversary date for the recertification will be changed to reflect the new unit transfer date. The PHA will conduct a new Annual Reexamination if the verification is greater than 120 days old.

Income limits are not used as a test for continued eligibility at recertification.

Reexamination Notice to the Family

The PHA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format. The PHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Procedure

- The PHA's procedure for conducting annual re-certifications will be as follows, except as otherwise provided in the HAP:
- PHA provides the recertification packet to the family via mail.
- The family submits the required paperwork to the PHA via mail.
- Housing Counselor may schedule an in-office interview if conditions warrant.

Completion of Annual Recertification

The PHA will have all recertification for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

Persons with Disabilities

Persons with disabilities who are unable to come to the PHA's office will be granted an accommodation by conducting the interview by mail and telephone, or home visit if needed, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information [24 CFR 982.516(f)]

The PHA has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

The PHA will allow the family to complete the recertification packet.

The PHA will require the family to update and certify all information prior to all recertification processing.

In all cases where the family must provide a response, unless otherwise noted in the PHA rules and written procedures, the PHA will give the family a standard allotment of **10 business days to respond** to all requests for documentation or requirements related to annual re-certifications, interim re-certifications, intent to terminate or deny assistance, etc. Exceptions may be approved (and documented) on a case by case basis.

Requirements to Attend

In most cases of recertification, the process will be conducted mainly via mail. However, in the cases noted below, the family is required to come to an interview in order to be recertified:

- Family who intends to move in or out of the PHA jurisdiction;

- Family who reports zero income;
- Family whose only source of income is contributions;
- Family whose only verification of income is a self declaration;
- Family on a repayment agreement with the PHA;
- Other families at the discretion / need of the PHA.

The following family members will be required to attend the recertification interview if requested by Counselor:

- The head of household only.

If the head of household is unable to attend the interview:

- The appointment will be rescheduled.

Failure to Respond to Notification to Recertify

1. If the family is required to attend a recertification interview, they will be notified in writing. The family may call to request another appointment date up to 7 days prior to the interview.

   If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the PHA**,** the PHA will not reschedule a second appointment.

   If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the PHA will:

   Send family notice of termination and offer them an informal hearing.

Exceptions to these policies may be made by the Supervisor or Manager if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

2. If the recertification is being handled via mail and the family does not respond or submit all the required paperwork by the due date, a written notice will be sent to the family as a final reminder. If the family still does not comply by that due date without prior approval for a PHA extension, a notice of intent to terminate will be mailed to the family with the right to an informal hearing.

Documents Required From the Family

In the notification letter to the family, the PHA will include instructions for the family to submit the following:

- Documentation of all income
- Documentation of all assets
- Documentation of any deductions/allowances
- Signed Application certification completed by head of household
- HUD Authorization for Release of Information (HUD 9886)
- Documentation of Citizenship status

Verification of Information (Annual Reexaminations)

The PHA will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than 120 days old from the effective date of the Annual Recertification.

Tenant Rent Increase (Annual Reexaminations)

If tenant rent increases during the recertification process, it will typically be effective on the anniversary date. However, if the income increase meets the criteria of the PHA's interim re-examination policy (see "Reporting Interim Changes" section of this Chapter), the tenant rent increase will be effective prior to the anniversary date, with a thirty day notice to the family.

If less than thirty days are remaining before the scheduled effective date of the annual recertification, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the scheduled effective date of the annual recertification with applicable remedy as described in Chapter 18 and the Program Integrity Addendum. This will be accomplished by providing the tenant with thirty days notice of the increase when the PHA processes the change and also requiring the family to repay any excess assistance received for prior months.

Tenant Rent Decreases (Annual Reexaminations)

If tenant rent decreases during the recertification process, it will be effective prior to the scheduled effective date of the annual re-certification. (See "Timely Reporting of Changes in Income" Section of this Chapter).

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the PHA.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report in writing all changes in household composition to the PHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody within 10 days of the change. The family must obtain PHA approval prior to all other additions to the household. Decreases in family composition must also be reported to the PHA in writing within 10 days of the decrease.

If any new family member is added, family income must include any income of the new family member. The PHA will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size, in accordance with this HAP.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Verification of Information (Interim Reexaminations)

The PHA will follow the verification procedures and guidelines described in this Plan. Verification rules are the same as those used for Annual Reexaminations, except only those factors that changed will need to be verified for Interim Reexaminations. Verifications must be less than 120 days old from the effective date of the Interim Recertification.

Increases in Income (Interim Reexaminations)

Increases in income or assets must be reported in writing to the PHA within 10 days of the increase.

Decreases in Income (Interim Reexaminations)

Participants may report a decrease in income and other changes which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The PHA must calculate the change if a decrease in income is reported.

Interim Reexamination Policy

Criteria for Conducting Upward Adjustments:

The PHA will not conduct interim reexaminations when families have an increase in income unless it meets the following criteria:

- Income increase of 5% or more
- FSS client with any increase in earned income
- Zero income family
- Unreported income

Effective date of Interim Adjustments:

For the effective date of the interim change to the tenant's portion of rent, see "Timely Reporting of Changes in Income (and Assets)" section in this Chapter.

Using the Correct Payment Standard and Utility Allowance When doing Interim Adjustments

A. Payment Standard:

- If the PHA increases its payment standard, the payment standard in place on the effective date of the HAP contract will remain in place for the duration of the contract term.
- If the PHA lowers its payment standard, the payment standard in effect on the effective date of the HAP contract will remain in effect until the family moves to another unit or until the next annual reexamination after the PHA decreases its payment standard, whichever comes first.
- Decreases in the applicable payment standard due to changes in family size or composition are effective as of the next regular (annual) reexamination following the change. At that time, the new family size will be used to determine the payment standard.

B. Utility Allowance:

- Even if the PHA increases or decreases its utility allowance, the utility allowance in place on the effective date of the HAP contract remains in place for the duration of the contract term.

PHA Errors

If the PHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable; retroactive to when the decrease for the change would have been effective if calculated correctly.

D. OTHER INTERIM REPORTING ISSUES

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination will be scheduled and conducted in person for families reporting zero income every 90 days.

Any changes reported by participants other than those listed in this chapter will be noted in the file but will not be processed between regularly-scheduled annual recertification.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS [24 CFR 5.615]

See Chapter 6 regarding "Factors Related to Total Tenant Payment & Family Share Determination" on how to handle income changes resulting from welfare program requirements.

Cooperation Agreements [24 CFR 512(d)(7) and 5.615]

The PHA and the local welfare agency have entered into a letter of cooperation to exchange information regarding any economic self-sufficiency and/or other appropriate programs or services that would benefit Section 8 tenant-based assistance families.

The purpose of this effort is to work toward the following three goals:

1. Target services and assistance to families who receive welfare assistance and receive Section 8 tenant-based assistance;

2. Improve the delivery of assistance to low-income families receiving welfare and living in or receiving federal housing assistance, by transferring information to facilitate the administration of housing assistance in a manner that reinforces self-sufficiency; and

3. Reduce and discourage fraud and noncompliance with welfare self-sufficiency program requirements.

This concerted effort is not expected to impact the expenses of the agencies and will be limited to the four areas below:

Targeting Services: The PHA will send names and SSN of all tenants that have indicated they are receiving TANF income. The local welfare agency will advise status of each case to the PHA. The purpose of this is to identify the clients that we mutually serve.

1. Coordinating Delivery of Assistance and Services: The PHA will provide Tenant Based Assistance to eligible clients that are admitted through the PHA's waiting list. The PHA will notify the local welfare agency when the waiting list is to be opened so that they may refer clients to the PHA.

2. Verification of Information: The PHA and the local welfare agency agree to share information on mutual clients through telephone, fax and mail. The request for this information will proceed as follows:

The local welfare agency will allow limited access to the toll-free response center (1-888-566-5222) to verify actions, pending actions and actual loss of TANF for any reason. If more information is needed the PHA will contact the local welfare agency via fax or mail.

1. Family Self-Sufficiency Program: The PHA and the local welfare agency agree to provide information to all mutual clients active in employment services on the benefits of the PHA FSS enrollment and escrow accounts.

F. NOTIFICATION OF RESULTS OF RECERTIFICATIONS [HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures **are not** required by the PHA. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS) [24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

The PHA requires that families report interim changes to the PHA within 10 business days of when the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting and a breach of family obligations.

If the change results in an increase in tenant rent, there will be a retroactive increase in rent to the scheduled effective date of the applicable recertification, with family consequence and remedy as described in Chapter 18 and the Program Integrity Addendum. This will be accomplished by providing the tenant with thirty days notice of the increase at the time the PHA processes the change and also requiring the family to repay any excess assistance received for prior months.

An exception may be granted by the Supervisor or Manager in cases of extenuating health or safety circumstances.

Procedures when the Change is Reported in a Timely Manner

The PHA will notify the family and the owner of any change in the Housing Assistance Payment via a Notice of Rent Change, to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

If the family does not supply the required verification of the decrease in income within 30 days of reporting it to the PHA, the decrease in rent will be effective the 1st of the month after the verification is supplied by the family. It will not be retroactive. This does not apply to verification required to be obtained by the PHA where the family has supplied the necessary information and signatures in a timely manner.

The change will not be made until the acceptable verification is received.

Procedures when the Change is Not Reported by the Family in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement or assistance may be terminated with right to informal hearing. (See related Chapters: "Owner or Family Debts", "Program Integrity Addendum.")

Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported with verification stipulation as noted in above previous section.

Procedures when the Change is Not Processed by the PHA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the PHA in a timely manner.

In this case, an increase will be effective after the required thirty days' notice, following completion of processing by the PHA and prior to the first of the month. If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

H. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES [24 CFR 982.516(c)]

(See "Subsidy Standards" chapter.)

I. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

The Non-citizens Rule was implemented on or after November 29, 1996, and mixed families may receive prorated assistance only.

J. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum.)

Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314, 982.353, 982.355(a)]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under Portability procedures. The jurisdiction of the PHA is Hillsborough County in west Central Florida, exclusive of the municipality of Plant City, Florida. An agreement has been established with the Tampa Housing Authority to enable tenants to procure residences within the two designated service districts without need of portability. The regulations also allow the PHA the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the PHA's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may be permitted to move to a new unit with continued assistance if:

- The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family for good cause.
- The owner has given the family 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 family (unless assistance to the family will be terminated).
- The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).
- The family requires a different size unit due to a change in family composition.
- The Lease and Contract expire.
- The Violence Against Women Reauthorization Act of 2005 provides that "a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 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 a 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"

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552(a)]

The PHA exercises the following restrictions on moves:

- Families will not be permitted to move within the PHA's jurisdiction during the initial year of assisted occupancy.
- Families will not be permitted to move outside the PHA's jurisdiction under portability procedures during the initial year of assisted occupancy.

- Families will not be permitted to move more than once in a 12-month period.
- The PHA will deny permission to move if there is insufficient funding for continued assistance.

The PHA will deny permission to move if:

- The family has violated a Family Obligation.
- The family owes the PHA money, unless is current on a repayment agreement.
- The family has moved or been issued a Voucher within the last 12 months.

The Manager or Supervisor may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

Subject to the restrictions on moves, if the family has not been recertified within the last 120 days, the PHA will issue the voucher to move, after conducting the recertification.

If the family does not locate a new unit and the voucher is still active they may remain in the current unit so long as the owner permits. If the voucher has already expired they may remain in their unit if there is an assisted lease and contract in effect and the owner permits (see page 78). Last minute stayers do not require an RFAT to be submitted to renew in their unit, only a written statement.

Notice Requirements

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the PHA simultaneously.

If the family vacates the unit without proper notice in writing to the owner, the family will be responsible for any vacancy loss.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the new lease and contract; this is usually the first of the month after the end of the prior lease and contract.

Although considered an exception, assistance payments may overlap for the month in which the family moves, with proper file documentation explaining reason for overlap and approval. The contract start date may be any date of the month following unit and client approval by PHA.

D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the PHA's jurisdiction within the United States and its territories.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the PHA's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of the PHA's jurisdiction, the request must specify the area to which the family wants to move.

Restrictions on Portability

Applicants

If neither the head nor spouse had a domicile (legal residence) in the PHA's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher, unless the PHA approves such move.

For a portable family that was not already receiving assistance in the PHA's based program, the PHA must determine whether the family is eligible for admission under the receiving PHA's program.

Participants

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances:

- The receiving and initial PHA agrees to allow the move.
- The family's move relates to an opportunity for education, job training or employment
- The family's move relates to medical need as documented by a medical doctor.

The PHA will not permit families to exercise portability:

- If the family is in violation of a family obligation.
- If the family owes money to the PHA.
- If the family has moved out of it's assisted unit in violation of the lease.

If the payment standard or subsidy level at the receiving PHA is greater than the payment standard or subsidy level at Hillsborough County's Section 8 Housing Choice Voucher Program and the receiving PHA will not absorb the family.

Receiving PHA's will be required to submit hearing determinations to the PHA within 30 days.

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The PHA will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portable" Voucher by the PHA. The term of the voucher will not expire before the expiration date of any initial PHA voucher. The family must submit a request for approval of tenancy for an eligible unit to the receiving PHA during the term of the receiving PHA voucher. The receiving PHA may grant extensions in accordance with this Administrative Plan. However, if the Family decides not to lease-up in the PHA's jurisdiction, they must contact the initial PHA to request an extension.

The PHA will absorb all incoming portable families provided that there is adequate funding available.

When the PHA does not absorb the incoming Voucher, it will administer the Initial PHA's Voucher and the receiving PHA's policies will prevail.

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

The receiving PHA does not re-determine eligibility for a portable family that was already receiving assistance in the initial PHA Section 8 tenant-based program.

The PHA will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition, which would change the Voucher size, the PHA will change to the proper size based on its own Subsidy Standards.

Income and Total Tenant Payment of Incoming Portables [982.353(d)]

As receiving PHA, the PHA will conduct a recertification interview but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family's circumstances.

If the PHA conducts a recertification of the family it will not cause a delay in the issuance of a voucher.

If the family's income is such that a $0 subsidy amount is determined prior to lease-up in the PHA's jurisdiction, the PHA will refuse to enter into a contract on behalf of the family at $0 assistance.

Requests for Tenancy Approval

A briefing will be mandatory for all portability families.

When the Family submits a Request for Tenancy Approval, it will be processed using the PHA's policies. If the Family does not submit a Request for Tenancy Approval or does not execute a lease, the Initial PHA will be notified within 30 days by the PHA.

If the Family leases up successfully, the PHA will notify the Initial PHA within 30 days, and the billing process will commence.

The PHA will notify the initial PHA if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the voucher.

If the PHA denies or terminates assistance to the family, the PHA will notify the Initial PHA within 30 days and the family will be offered a review or hearing by the receiving PHA. The receiving PHA will notify the initial PHA of the hearing determination.

The PHA will notify the Family of its responsibility to contact the Initial PHA if the Family wishes to move outside the PHA's jurisdiction under continued portability.

Regular Program Functions

The PHA will perform all program functions applicable to the tenant-based assistance program, such as:

- Annual reexaminations of family income and composition;
- Annual inspection of the unit; and
- Interim Examinations when requested or deemed necessary by the PHA

The receiving PHA will submit the required HUD form for any changes effecting the Housing Assistance Payment, Tenant Rent or program participation.

Terminations

The PHA will notify the Initial PHA in writing of any termination of assistance within 30 days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the receiving PHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial PHA.

The Initial PHA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial PHA notifies the receiving PHA that the Family is in arrears or the Family has refused to sign a Payment Agreement, the receiving PHA will terminate assistance to the family.

Required Documents

As the receiving PHA, the agency will require the documents listed on the HUD Portability Billing Form from the Initial PHA.

Billing Procedures

As the receiving PHA, the agency will submit the HUD Portability Form HUD-52665 to the initial PHA for Housing Assistance Payments, in accordance with HUD requirements.

The billing cycle for other amounts, including Administrative Fees will be monthly unless requested otherwise by the Initial PHA.

The PHA will bill 100% of the Housing Assistance Payment and 80% of the Administrative Fee (at the Initial PHA's rate) for each "Portability" Voucher leased as of the first day of the month.

The PHA will notify the Initial PHA of changes in subsidy amounts and will expect the Initial PHA to notify the PHA of changes in the Administrative Fee amount to be billed.

Chapter 14

CONTRACT TERMINATIONS

[24 CFR 982.311, 982.314]

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the PHA, which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the PHA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the PHA may be terminated by the PHA or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the PHA to the owner after the month in which the Contract is terminated. The owner must reimburse the PHA for any subsidies paid by the PHA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the PHA for vacancy loss under the provisions of Certificate HAP contracts effective before October 2, 1995.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

Family termination of the lease must be in accordance with the terms of the lease and must be notified to PHA prior to the termination of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner must provide proper notice as stated in the lease.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:

> Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;
>
> Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises or any drug-related criminal activity on or near the premises.

Other good cause.

During the initial term of the lease, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310)

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

The PHA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for the PHA's decision regarding termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The PHA will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide the PHA with the documentation, including notice of the lock-out date.

The PHA must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from the PHA, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY PHA [24 CFR 982.404(a), 982.453, 982.454, 982.552(a) (3)]

The term of the HAP contract terminates when the lease terminates, when the PHA terminates program assistance for the family, and/or when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" chapter).

The PHA may also terminate the contract if:

The PHA terminates assistance to the family.

The family is required to move from a unit when the unit does not meet the HQS space standards because of an increase in family size or a change in family composition (unit too small). The family has the option to move, with owner and Section 8 approvals, when the unit is too big for the family size or they can remain in the over-housed unit until their next re-examination with the same payment standard, (see "Subsidy Standards" Chapter, "Under-housed and Over-housed Families" section).

Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

When the PHA terminates the HAP contract under the violation of HQS space standards, the PHA will provide the owner and family written notice of termination of the contract, The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

Notice Of Foreclosure

In the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner:

1. Will occupy the unit as a primary residence; and

2. Has provided the tenant a notice to vacate at least 90 days before the effective date of such notice.

Foreclosure Actions by the PHA

1. The PHA must make all reasonable efforts to determine the status of the foreclosure and ownership of the property.

2. The PHA must continue to make payments to the original owner until ownership has legally been transferred in accordance with the HAP contract. With the exception of HUD-insured mortgages or loans, defaulting on a mortgage/loan is not a breach of the HAP contract.

3. The PHA must attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. The written agreement should include a request for owner information such as a Tax Identification Number, and payment instructions from the new owner.

4. The PHA must inform the tenant that they must continue to pay rent in accordance with the lease, and if the successor in interest refuses to accept payment or cannot be identified, the tenant should pay the rent into escrow, because failure to pay rent may constitute an independent ground for eviction.

5. If the PHA is unable to make HAP payments to the successor in interest due to (a) An action or inaction by the successor in interest that prevents such payments, including the rejection of payments or the failure of the successor to maintain the property in accordance with Housing Quality Standards (HQS); or b) An inability to identify the successor, the PHA should inform the family of this. In order to ensure adequate protection of the tenant's rights under the statutory authority as well as enforcing performance of the successor in interest under the HAP contract, the PHA should refer tenants, as services are needed, to the local Legal Aid Office.

Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE
[24 CFR 982.552, 982.553]

INTRODUCTION

The PHA may deny or terminate assistance for a family because of the family's action or failure to act. The PHA will provide families with a written description of the Family Obligations under the program, the grounds under which the PHA can deny or terminate assistance, and the PHA's informal hearing procedures. This Chapter describes when the PHA is required to deny or terminate assistance, and the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the PHA will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

- Denial for placement on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a tenancy
- Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a tenancy
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Mandatory Denial and Termination [24 CFR 982.552(b)]

The PHA must deny assistance to applicants, and terminate assistance for participants:

- If no member of the family is a U.S. citizen or eligible immigrant. (See Section D)
- If the family is under contract and 180 days have elapsed since the PHA's last housing assistance payment was made. (See "Contract Terminations" chapter.)

The PHA must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law.

The PHA must deny admission to the program if the PHA determines that any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

The PHA must deny admission for five years (after the eviction occurred) if any member of the family has been evicted from federally assisted housing for a serious violation of the lease.

The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The PHA must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit required HUD or PHA consent forms for obtaining information in accordance with Part 5, subparts B and F.

The PHA must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)]

The PHA will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

The family violates any family obligation under the program as listed in 24 CFR 982.551.

Any member of the family has ever been evicted from federally subsidized housing in the last past 5 years for a serious violation of the lease.

If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

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.

Applicants must have a clearance letter from any previous federally subsidized housing. If they owe money to this PHA or any other PHA the following apply:

1. If applicant has repayment agreement in place already, and is current on payments: continue processing for intake.

2. If applicant has repayment agreement in place already, BUT is in arrears: applicant is given 30 days to pay balance in full. If balance is not paid in full within 30 days, case will be closed (denied assistance.) They do not have the option to continue making payments. Must be paid in full.

3. If applicant does not have repayment agreement already in place: Applicant cannot start a new repayment agreement now to be housed. Instead applicant is given 30 days to pay balance in full. If balance is not paid in full within 30 days, case will be closed (denied assistance.)

4. If there is an eviction involved in addition to the money owed, the reason for the eviction must also be considered in the intake process, for eligibility purposes.

The family has engaged in or threatened abusive or violent behavior toward PHA personnel.

"Abusive or violent behavior towards PHA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

"Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

The PHA determines that any listed member is currently engaging in illegal use of a drug.

Any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other residents. Crime by Family Member (Referred to in the One Strike policy.)

If any member of the family commits drug-related criminal activity, or violent criminal activity, including domestic violence. (Referred to in the One-strike policy and 982.553 of the regulations)

Refer to "Eligibility for Admission" chapter, "Other Criteria for Admission" section for further information.

B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of Hillsborough County to fully endorse and implement a policy designed to:

Help create and maintain a safe and drug-free community

Keep our program participants free from threats to their personal and family safety

Help maintain an environment where children can live safely, learn and grow up to be productive citizens

Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration

All screening and termination of assistance procedures shall be administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups.

Screening of Applicants

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by 24 CFR, Subpart L and CFR Part 5, Subpart J, the PHA will endeavor to screen applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior.

Such screening will apply to any member of the household who is 18 years of age or older. Minors are not excluded from the above policy denials/terminations, even though they are not part of the PHA screening process.

HUD Definitions

Covered person, for purposes of 24 CFR Part 982 and this chapter, means a tenant, any member of the tenant's household, guest or another person under the tenant's control.

Drug, means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802.)

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means *on or near the* premises.

Guest, for purposes of this chapter and 24 CFR Part 5, Subpart A and 24 CFR Part 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

Household, for the purposes of 24 CFR Part 982 and this chapter, means the family and the PHA approved live-in aide.

Other person under the tenant's control, for the purposes of the definition of *covered person* and for 24 CFR Parts 5 and 982 and for this chapter means that the person, although not staying as a guest (as defined in this chapter) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control.*

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

Standard for Violation

The PHA will deny participation in the program to applicants and terminate assistance to participants in cases where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the PHA determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

The PHA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 6 months.

"Engaged in or engaging in" violent criminal activity means any act, including domestic violence, within the past 5 years by applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which resulted in the arrest and/or conviction of the applicant or participant, household members, or guests.

The activity is being engaged in by any family member.

Drug related criminal activity is any act that occurred within the past twelve months by applicants or participants, household members or guests.

"Violation of parole" arrests for prior drug or violent criminal activity, are not considered a violation of the actual drug or violent criminal activity act.

Drug Related and Violent Criminal Activity

Applicants will be denied assistance if they have been:

Evicted from public housing, Indian Housing, Section 23 or any Section 8 program because of drug-related criminal activity are ineligible for admission to the Section 8 program for a three-year period beginning on the date of such eviction.

Arrested or convicted or evicted from a unit assisted under the Housing Act of 1937 due to violent criminal activity within the last 5 years prior to the date of the certification interview.

Arrested or convicted due to drug-related criminal activity within the past twelve months.

Arrested or convicted due to violent criminal activity within the past 5 years.

Participants will be terminated who have been:

Evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last 5 years prior to the date of the notice to terminate assistance, and/or whose activities have created a disturbance in the building or neighborhood.

Arrested or convicted due to violent criminal activity within the past 5 years.

Arrested or convicted due to drug-related criminal activity within the past twelve months.

The PHA may waive the requirement regarding drug-related criminal activity if:

- The person demonstrates successful completion of a credible rehabilitation program approved by the PHA, or
- The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

Denial of Assistance for Sex Offenders

The PHA will prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In this screening of applicants, the PHA will perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided.

Summary of Time Restrictions for Denials/Terminations:

1. APPLICANTS

Drugs: 1 year

Violent Criminal Activity: 5 years

Evicted from Public Housing for Serious Lease Violation: 5 years

Evicted from Public Housing for drug related Criminal Activity: 3 years

Evicted from Public Housing for Violent Criminal Activity: 5 years

Convicted of manufacturing/producing Methamphetamine: permanent ban

Registered sex offender: permanent ban

2. PARTICIPANTS

Drugs: 1 year

Violent Criminal Activity: 5 years

Convicted of manufacturing/producing Methamphetamine: permanent ban

Registered sex offender: permanent ban

Termination of Assistance for Participants

If the family violates the lease for drug-related or violent criminal activity, the PHA will terminate assistance.

In appropriate cases, the PHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the PHA may consider individual circumstances with the advice of Juvenile Court officials.

Notice of Termination of Assistance

In any case where the PHA decides to terminate assistance to the family, the PHA must give the family written notice which states:

- The reason(s) for the proposed termination
- The effective date of the proposed termination
- The family's right, if they disagree, to request an Informal Hearing to be held before
- Termination of assistance
- The date by which a request for an informal hearing must be received by the PHA.
- A courtesy copy of the notice will be mailed to the property owner/manager.

Criminal Record Denials/Terminations

If a PHA proposes to deny/terminate assistance for criminal activity as shown by a criminal record, the PHA will notify the household of the proposed action to be based on the information and must provide the subject of the record and the applicant/participant with a copy of the criminal record. The PHA will give the family an opportunity to dispute the accuracy and relevance of that record in accordance with 24 CFR 982.554 and 982.555 via the informal review/hearing process.

The PHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The PHA may terminate assistance for criminal activity by a household member under this section if the PHA has determined that the household member has engaged in the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

Confidentiality of Criminal Records

Criminal Records are obtained through the internet and are filed in the case record and are public record.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR 982.551). "Information" includes any requested certification, release or other documentation.

The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

All information supplied by the family must be true and complete.

The family is responsible for an HQS breach caused by the family as described in 982.404(b).

The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

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

The family must notify the owner and, at the same time, notify the PHA before the family moves out of the unit or terminates the lease upon notice to the owner.

The family must their portion of the rent on time and they must not pay more (side payment) than the amount shown on the lease. If the family is asked to pay more money, they must contact their Counselor immediately.

The family must promptly give the PHA a copy of any owner eviction notice.

The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request prior PHA approval to add any other family member as an occupant of the unit.

The family must promptly notify the PHA if any family member no longer resides in the unit.

If the PHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or PHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.

The family must not sublease or let the unit.

The family must not assign the lease or transfer the unit.

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

The family must not own or have any interest in the unit.

The family must not rent from an owner who is the parent, child, grandparent, grandchild, sister or brother of any family member or in-law relationship.

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

The members of the family may not engage in drug-related criminal activity or violent criminal activity.

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

A member of the household must not be subject to a lifetime registration requirement under a State sex offender registration program.

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

Housing Agency Discretion in Denials/Terminations [24 CFR 982.552(c)]

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandated.

The PHA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents.
- The effects that denial of assistance may have on other members of the family who were not involved in the action resulting in denial or termination of assistance.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, or stalking.
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has other wise been rehabilitated successfully.

The PHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

The PHA will impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The PHA may permit the other members of a family to continue in the program. If it can not be determined that a sole party residing in the household is the casual factor the PHA may consider bifurcating the lease to benefit the voucher household.

Enforcing Family Obligations

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means **"within 10 business days."** Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach

The inspector will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by Supervisor or Manager.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

If the owner terminates tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of intent to exercise court actions to terminate lease for serious or repeated lease violations, the family moves from the unit prior to the completion of court action, and the PHA determines that cause is a serious or repeated violation of the lease based on evidence.

If the PHA verifies Nonpayment of Rent by tenant.

If the PHA verifies Unauthorized Guests residing in the assisted unit.

Notification of Eviction

The PHA must be notified by the tenant of an eviction notice within 10 business days of being served. The PHA will make a determination if the causal factor for eviction is the tenant and to the family's continued eligibility with the Section 8 Program. If the family requests assistance to move and they did not notify the PHA of an eviction action, the move will be denied.

Proposed Additions to the Family

The PHA will deny a family's request to add additional family members who are:

- Persons who have been evicted from public housing.
- Persons who have previously violated a family obligation listed in 24CFR 982.551 of the HUD regulations.
- Persons who have been part of a family whose assistance has been terminated under the Certificate or Voucher program.
- Persons who commit drug-related criminal activity or violent criminal activity or other acts in the PHA one-strike policy.
- Persons who do not meet the PHA's definition of family.
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Persons who currently owe rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- Persons who have engaged in or threatened abusive or violent behavior toward PHA personnel.

Family Member Moves Out

Families are required to notify the PHA and owner in writing within 10 business days if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

- The date the family member moved out.
- The new address, if known, of the family member.
- A statement as to whether the family member is temporarily or permanently absent.

Limitation on Profit-making Activity in Unit

If the PHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the PHA determines the business is not legal, it will be considered a program violation.

Interest in Unit

The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family. The owner may not be a parent, child, grandparent, grandchild, brother or sister of any family member or in-law relationships. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

Fraud

In each case, the PHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claims, see section Procedures for Non-Citizens following.

D. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The PHA must offer the family an opportunity for a hearing. (See "Eligibility for Admission" chapter, section on Citizenship/Eligible Immigration Status.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

False or Incomplete Information

If the individual is unable to verify their citizenship, the PHA will give him/her an opportunity to provide a new declaration as an eligible immigrant or an opportunity to elect not to contend their status.

The PHA will then verifies eligible status, deny, terminate, or prorate as applicable.

The PHA will deny or terminate assistance based on the submission of false information or misrepresentation.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the PHA either after the INS appeal or in lieu of the INS appeal.

After the PHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

E. ZERO ($0) ASSISTANCE TENANCIES (Family paying full rent) [24 CFR 982.455 (a)]

The family may remain in the unit at $0 assistance for up to 180 days after the last HAP payment. If the contract expires prior to the end of the 180 day period, a new contract will not be entered into if the family is still at zero assistance. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the PHA will resume assistance payments for the family. If there was a current contract in effect, a Notice of Rent Change will be done. If there was not a current contract in place, a contract will be entered into effective the date of HAP assistance commencement and expiring with the lease expiration date.

In order for a family to move to another unit during the 180 days, and still remain on the program, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the PHA to overpay assistance, the PHA may choose not to terminate and may offer to continue assistance based on the violation and corresponding remedies as established in the "Program Integrity Addendum" and "Procedural Non-Compliance" – Overpaid Assistance section of this Administrative Plan. For example the family may be required to execute a Repayment Agreement and make payments in accordance with the agreement.

G. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the PHA will deny or terminate assistance to the family and ban the owner from future business with the PHA.

H. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the PHA to fulfill its responsibilities. The PHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the PHA to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the PHA, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the PHA to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Recertification
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadline must be verifiable by 3rd party and are limited to:

- Medical emergency
- Incarceration
- Family emergency

Procedure when Appointments are Missed or Information not provided

For most purposes in this Plan, unless otherwise specified, the family will be given 2 opportunities before being issued a notice of termination or denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed requesting a hearing, the notice will not be rescinded if the family offers to cure the breach.
An exception may be approved by the Supervisor or Manager if there are mitigating circumstances involved in the case.

DEBTS OWED TO PUBLIC HOUSING AGENCIES AND TERMINATIONS

PHA's are now required to report in EIV certain information at the conclusion of participation in a HUD rental assistance program such as debt owed and termination information (adverse status as of end of participation (EOP) date of tenants who voluntarily or involuntarily leave a PHA rental assistance program.

Chapter 16

OWNER DISAPPROVAL AND RESTRICTION

[24 CFR 982.54, 982.306, 982.453]

INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the Voucher program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the PHA. The regulations define when the PHA must disallow an owner participation in the program, and they provide the PHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The PHA will disapprove the owner for the following reasons:

HUD has informed the PHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed the PHA that 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.

HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.

Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

In cases where the owner and tenant bear the same last name, the PHA may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

The owner has engaged in drug-related criminal activity or any violent criminal activity.

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.

The owner has a history or practice of renting units that fail to meet State or local housing codes.

The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

- Threatens the right to peaceful enjoyment of the premises by other residents;
- Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing.
- Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
- Is drug-related criminal activity or violent criminal activity;

The owner has not paid State or local real estate taxes, fines or assessments.

The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the PHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The PHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the PHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

C. CHANGE IN OWNERSHIP

A change in ownership does not require execution of a new contract.

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 recorded warranty deed and the Employee Identification Number or Social Security number of the new owner and an executed Contract Transfer attachment to the HAP Contract. If managed by third party, the owner will need to supply a copy of a management agreement.

Chapter 17

CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS

(For HAP Contracts Effective Before October 2, 1995)

INTRODUCTION

This Chapter has been removed because it describes the policies, procedures and standards for servicing HAP Contracts which were effective before October 2, 1995 and this PHA does not have any of these Certificates existing. This PHA only administers the Housing Choice Voucher Program.

Under the Housing Choice Voucher Program, the PHA is not responsible for owner claims against the family. If the security deposit is not sufficient to cover amounts the family owes under the lease, the owner may collect the balance from the family.

Chapter 18

OWNER OR FAMILY DEBTS TO THE PHA

[24 CFR 982.552]

INTRODUCTION

This Chapter describes the PHA's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus

At end of participation all families with an unpaid outstanding balance owed to the PHA, will be reported to the Happy Software Inc., Tenant Check system. The PHA will reconcile the account to this system upon receipt of payment in full by the family.

A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (c) (v-vii)]

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

The PHA will prescribe the terms of the repayment agreement, including determining whether to enter into a repayment agreement with the family based on the circumstances surrounding the debt to the PHA.

There are some circumstances in which the PHA will not enter into a repayment agreement. They are:

- If the family already has a Repayment Agreement in place.
- If the PHA determines that the family committed program fraud.

B. LATE PAYMENTS

A payment will be considered to be in arrears if:

- The payment is not received by the close of the business day 7 days after the due date.

If the family's repayment agreement is in arrears, and the family has not contacted or made arrangements with the PHA, the PHA will:

- Require the family to pay the balance in full within 30 days; or
- Terminate the housing assistance

If the family requests a move to another unit and has a repayment agreement in place and the payment agreement is not in arrears:

- The family may be permitted to move.

If the family requests a move to another unit and is in arrears on a payment agreement:

- The move will not be permitted unless they pay the balance in full.

C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for Family Error/Late Reporting below.

Program Fraud

Families who owe money to the PHA due to program fraud will be required to pay the amount in full within 30 days. If the full amount is paid within this time period, and the family is still eligible, the PHA may continue assistance to the family to the extent permitted in the appropriate level of offense category, as noted in the Administrative Plan.

If a family owes an amount which equals or exceeds $10,000 as a result of program fraud, the case may be referred to the Inspector General. Where appropriate, the PHA will refer the case for criminal prosecution.

Payment Procedures for Family Error/Late Reporting

Families who fail to report increases in income as required, will be subject to the following procedures:

- **Level ONE Offense:** *First offense **and** under $2,000 unreported income*: Remedy: repayment agreement; terms and conditions as defined in the Administrative Plan.

- **Level TWO Offense:** *Second offense* **or** *over $2,000 unreported income*: same as program fraud. Remedy: Excess HAP due in full within 30 calendar days. If this is also a second offense, the appropriate remedy also includes termination of assistance with right to informal hearing.

- **Level THREE Offense:** Unreported income at any time that exceeds $10,000, regardless of occurrence. Remedy: Excess HAP due in full within 10 business days and Termination of assistance with right to informal hearing.

D. DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP

The Housing Agency handles in the same manner as noted for other repayments as specified in Section (E) below and as specified in this Administrative Plan.

E. GUIDELINES FOR REPAYMENT AGREEMENTS [24 CFR 982.552 (c) (v-vii)]

The maximum length of time the PHA will enter into a repayment agreement with a family is 12 months, with discretion allowed by Management (within $10 per month minimum).

The amount of the monthly payment will be determined by dividing the amount owed by the maximum number of months to repay. The family's current income situation may be considered by Management for exceptions on a case by case basis.

The minimum monthly amount for a repayment agreement is $10.00.

The first payment is due the fifth day of the first month following 30 days from the effective date of the agreement. Each subsequent payment is due by the fifth day of each month thereafter. Example: If 12/3/08 is the effective date, the first payment would be due by 2/1/08.

The agreement is in default when a payment is delinquent by the 25th of the month.

Repayment Agreements will be executed between the PHA and the head of household.

Payments may only be made by money order or cashier's check.

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Supervisor or Manager.

No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the Repayment Agreement is current:

- The HAP contract is terminated due to owner non-compliance or opt-out
- A natural disaster
- If the family causes a breach of the Repayment Agreement, the family must pay the balance in full within 30 days or the PHA will terminate assistance.

Additional Monies Owed: If the family already has a Repayment Agreement in place and incurs an additional debt to the PHA:
The PHA will not enter into more than one Repayment Agreement with the family.

Additional amounts owed by the family will be added to the existing payment agreement.

F. OWNER DEBTS TO THE PHA [24 CFR 982.453(b)]

If the PHA determines that the owner has retained Housing Assistance Payments the owner is not entitled to, the PHA may reclaim the amounts from future Housing Assistance Payments owed the owner for any units under contract.

If future Housing Assistance Payments are insufficient to reclaim the amounts owed, the PHA will:

- Require the owner to pay the amount in full within 30 calendar days.
- Debit the amount owed to the PHA from owners other participating properties.
- Pursue collections through the local court system.
- Restrict the owner from future participation.

G. WRITING OFF DEBTS

Debts may be written off if:

- The debtor's whereabouts are unknown and the debt is more than 5 years old.
- The debtor is deceased.
- The debtor is confined to an institution indefinitely or for more than 5 years.

Chapter 19

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This Chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS TO THE PHA

The PHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The PHA may require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

The PHA hearing procedures will be provided to families in the briefing packet.

Categories of Complaints

Complaints from families: If a family disagrees with an action or inaction of the PHA or owner.

Complaints from families will be referred to the Supervisor. If a complaint is not resolved, it will be referred to the Operations Manager or Department Director.

Complaints from owners: If an owner disagrees with an action or inaction of the PHA or a family.

Complaints from owners will be referred to the Supervisor. If a complaint is not resolved, it will be referred to the Operations Manager or Department Director.

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to the Supervisor.

Complaints from the general public: Complaints or referrals from persons in the community in regard to the PHA, a family or an owner.

Complaints from the general public will be referred to the Supervisor. If a complaint is not resolved, it will be referred to the Operations Manager.

B. PREFERENCE DENIALS [24 CFR 5.415]

When the PHA denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for an informal review.

The person who conducts the informal review will be someone who was not involved in the decision to deny the preference.

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible,
- The procedure for requesting a review if the applicant does not agree with the decision and
- The time limit for requesting a review.

When denying admission for criminal activity by a household member, the PHA will include in the notice of denial a copy of the criminal record upon which the decision to deny was based.

The PHA must provide applicants with the opportunity for an Informal Review of decisions denying:

- Listing on the PHA's waiting list
- Issuance of a Voucher
- Participation in the program
- Assistance under portability procedures

Informal Reviews are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- A determination of the family unit size under the PHA subsidy standards
- Refusal to extend or suspend a Voucher
- A PHA determination not to grant approval of the tenancy
- Determination that unit is not in compliance with HQS
- Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A written request for an Informal Review must be received by the close of the business day, no later than 10 calendar days from the date of the PHA's notification of denial of assistance.

This is a strict deadline. The informal review will be scheduled within 15 calendar days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by an individual from outside the PHA.

The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The review may be conducted by mail and/or telephone if acceptable to both parties.

The applicant will be informed that it is not required for the applicant to be present at the informal review.

A Notice of the Review findings will be provided in writing to the applicant within 15 days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d) (13)]

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The PHA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the PHA;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the PHA's decision.
- The procedure for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.

When terminating assistance for the criminal activity as shown by a criminal record, the PHA will provide the tenant/participant with a copy of the criminal record upon which the decision to terminate was based.

The PHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following PHA determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under PHA subsidy standards
- Determination to terminate assistance for any reason.
- Determination to terminate a family’s FSS Contract, withholds supportive services, or proposes forfeiture of the family's escrow account.

The PHA will always provide the opportunity for an informal hearing before termination of assistance in accordance with this Housing Administrative Plan.

Informal Hearings are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program

- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination not to approve a unit or lease
- A PHA determination that an assisted unit is not in compliance with HQS (PHA must provide hearing for family breach of HQS because that is a family obligation determination)
- A PHA determination that the unit is not in accordance with HQS because of the family size
- A PHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is the PHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the PHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

A written request for an Informal Hearing must be received by the close of the business day, no later than 10 business days from the date of the PHA's notification of intent to terminate or other action.

When the PHA receives a written request for an informal hearing, a hearing shall be scheduled within 30 calendar days. The notification of hearing will contain:

- The date and time of the hearing
- The location where the hearing will be held
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense
- The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 3 days before the hearing date.
- A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than 3 days before the hearing date.

The PHA's Hearing Procedures

After a hearing date is scheduled, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the PHA within 72 hours, excluding weekends and holidays. The PHA will reschedule the hearing only if, within 10 days of the decision letter, the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the PHA's determination.
- Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the Hearing Officer;
- Order copies of documents at their expense;

- Present any information or witnesses pertinent to the issue of the hearing;
- Request that PHA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the PHA will make the copies for the family and assess a charge of $.15 per copy. In no case will the family be allowed to remove the file from the PHA's office**.**

In addition to other rights contained in this Chapter, the PHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The PHA appoints hearing officers who:

- Are managers and professional level staff who are knowledgeable in HUD & PHA rules and regulations.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The PHA has the burden of persuasion and must initially present sufficient evidence to establish a prima facie case. Thereafter, the family has the burden of production to show that the family has not committed any of the grounds for denial or termination outlined in 24 CFR Part 982.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The family must request an audio recording of the hearing, if desired, 3 days prior to the hearing date.

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the PHA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the PHA and the family within 15 days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed;
- The date the decision goes into effect.

The Operations Manager reviews all cases where the Informal Hearing Officer's decision is to uphold the intent to terminate the assistance, before the notification of termination decision is mailed to the family.

The PHA is not bound by hearing decisions:

- Which concern matters in which the PHA is not required to provide an opportunity for a hearing;
- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer's determination within 15 days. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation and a copy of the final decision will be retained in the family's file.

E. LATE REQUESTS FOR INFORMAL REVIEWS/HEARINGS

When a request for an informal review/hearing is received late, the applicant/participant is sent a "Confirmation of Denial/Termination" letter informing him/her of the missed strict deadline. The notice gives the applicant/participant the opportunity to request an exception to the deadline due to severe extenuating circumstances, that must be verifiable and that affected the safety or health of the immediate family, and that had a direct impact to the request having been received late. Examples of severe extenuating circumstances that may be considered are hospitalization or death of immediate family member during the time period for the family to request an informal review. Failure to provide this office with a contact address where this office could reach you, or any other problems with the mail are not considered severe extenuating circumstances.

F. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending but assistance to an applicant may be delayed pending the PHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within 10 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 10 days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

- Deny the applicant family.
- Terminate the participant

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

G. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review/hearing process.

Chapter 20

SPECIAL HOUSING TYPES

[24 CFR 982.601]

INTRODUCTION

The PHA will permit the use of Single Room Occupancy Housing, Congregate Housing, and Group Home in its program only if the applicant/participate can demonstrate that it is needed as a reasonable accommodation for a person with a disability or an elderly person. Acceptable demonstration will include documentation from one or more knowledgeable professionals who are familiar with the applicant/participant and or the type of special housing requested as accommodation.

The PHA does not administer the Homeownership option under the Section 8 program.

The PHA will not set aside any program funding for special housing types, or for a special housing type.

Verification of Need for Reasonable Accommodation

Acceptable documentation as verification of the need for reasonable accommodation would be a letter to the PHA from a physician or other medical professional, describing how the special housing type requested provides the accommodation of which the person is in need. The request and documentation will be reviewed by Supervisor and a written response stating approval or disapproval will be sent to the applicant/participant within 15 calendar days of receipt of the request.

A copy of the PHA's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

A. SINGLE ROOM OCCUPANCY [24 CFR 982.602]

The PHA will use a separate lease and housing assistance payment contract for each assisted person residing in a SRO. [24 CFR 982.603]

SRO Rent and Housing Assistance Payment [24 CFR 982.604]

The PHA SRO payment standard is 75 percent of the zero bedroom payment standard schedule. For a person residing in an exception area the payment standard is 75 percent of the HUD-approved zero bedroom exception payment standard amount. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

Housing Quality Standards

The PHA will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR 982.605.

B. CONGREGATE HOUSING [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit.

The PHA may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract [24 CFR 982.607]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the PHA payment standard schedule.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Housing Quality Standards

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

C. GROUP HOMES [24 CFR 982.610, 982.612]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the PHA, a live-in aide may reside with a person with disabilities.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

The PHA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group

home. The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in Aide.

Group Home Rent and HAP Contract [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the PHA will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Maximum Subsidy

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size.

Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Housing Quality Standards

The PHA will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

D. MANUFACTURED HOMES [24 CFR 982.620]

The PHA will permit a family to lease a manufactured home and space with assistance under the program. The PHA will not provide assistance for a family that owns the manufactured home and leases only the space.

The PHA may approve a live-in aide to reside with a family to care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:
A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Chapter 21

FAMILY SELF SUFFICIENCY PROGRAM

[24 CFR 984.101 thru 984.401]

INTRODUCTION [24 CFR 984.201]

The purpose of the Family Self-Sufficiency (FSS) Program is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the Section 8 rental certificate and rental voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency

The FSS program aims to reduce the dependency of low income families. Under the FSS program, families are provided opportunities for education, job training, counseling, and other forms of social services assistance, so that they may obtain the education, employment and business and social skills necessary to achieve self-sufficiency.

Hillsborough County operates a federally funded Section 8 Program which is designed to provide safe, decent and sanitary housing for low income citizens. Through this program, families and individuals who meet the income eligibility requirements may receive financial assistance to rent privately owned dwellings. The purpose of the Family Self-Sufficiency (FSS) program is to create an opportunity for families receiving Housing Choice Voucher rental assistance to improve and develop abilities required to increase employment opportunities and enhance life skills needed to become self-reliant.

This objective is accomplished by combining Housing Choice Voucher rental assistance, case management, and the coordination of services to help participating households achieve economic self-sufficiency and maintain a lifestyle independent of public assistance. FSS families are offered a variety of ways to learn new skills, enhance existing talents and meet people who share similar goals for themselves and their families.

Families receiving Housing Choice Voucher rental assistance interested in participating in FSS meet with an FSS Coordinator to review the program participation requirements, the Contract of Participation and discuss how the escrow account works. Individual Training and Service Plans (ITSPs) are developed to identify and establish goals. Participating families are required to participate in ongoing case management, as outlined on the Certificate of Understanding, to assist them in identifying and addressing obstacles, identifying resources, and ultimately achieving their self-identified goals.

A. PROGRAM BASIC REQUIREMENTS [24 CFR 984.104]

The FSS program established under this part shall be operated in conformity with:

1. The rental certificate and rental voucher regulations
2. An Action Plan with comprehensive supportive services
3. The program established under this part shall be operated in compliance with nondiscrimination and equal opportunity requirements.

B. PROGRAM COORDINATING COMMITTEE [24 CFR 984.202]

The FSS Program Coordinating Committee consists of the Section 8 Operations Manager, a representative of Hillsborough Community College, Hillsborough County School Board – Technical Schools, a representative from Tampa Bay Workforce Alliance, a participant of the Section 8 Program, a representative of the Head Start/Early Head Start Division, and a staff member of the Spring (agency serving victims of domestic violence/abuse). Other members may be added from government, non-profit service agencies and private businesses operating within Hillsborough County as deemed appropriate by the Program Coordinating Committee.

C. PROGRAM ELIGIBILITY [24 CFR 984.203, 301, 303]

Hillsborough County will focus the FSS Program on households that are interested in improving their economic situations and are current Section 8 voucher program participants

Incentives to Encourage Participation & Supportive Service Needs of Families Expected to Participate:

- Education
- Child Care
- Job Training
- Job Placement
- Money Management Counseling
- Transportation Assistance

All participants will be advised of the FSS Program escrow account and will be referred to supportive service organizations that can assist them with services needed to be successful in the FSS Program. The supportive services in all cases are under separate funding sources and are not receiving additional funds to provide services to FSS participants. Therefore, it is up to the supportive service organization to determine what level and when the services can be provided to the FSS participant. Disbursement of funds in the escrow account will be in accordance with the attached Hillsborough County Escrow Policy.

D. FSS FAMILY SELECTION PROCEDURES [24 CFR 984.203, 301, 303]

Families who receive assistance under the Housing Choice Voucher program are eligible to participate in the FSS program.

1. All active Section 8 participants are notified about the FSS program at intake/enrollment, throughout their tenure with the program and at annual recertification. Notifications are done by letter and/or at orientation sessions.

2. The PHA will select participants without a selection preference, however the PHA will use an objective system to select interested FSS participants such as the length of time living in subsidized housing, or the date the family expressed an interest in participating in the program. The PHA will screen applicants for interest and motivation to participate in the FSS program, but will not screen for education, job history, credit rating, marital status, or number of children.

3. If a Section 8 family exercising portability was an FSS participant with the Initial PHA, the receiving PHA may consider such families with the non targeted FSS slots.

4. The FSS program is a voluntary program. Declining to participate in this program will not affect the family's eligibility in the Section 8 Program.

The PHA may conduct pre-selection interviews or group orientation sessions to review FSS policies and procedures. Individual meetings are scheduled with families who have returned all application and pre-enrollment forms. During the initial visit the FSS Coordinator:

- ✓ Reviews the FSS Program, participation requirements (Certificate of Understanding), the Contract of Participation, HUD's definition of self-sufficiency, and how the escrow account works.
- ✓ Completes an assessment of their skills, abilities, needs, and resources.
- ✓ Identifies realistic goals and develops a list of the tasks and milestones to accomplish these goals to use developing the ITSP.
- ✓ Identifies target dates for completing tasks and reaching milestones and goals.

Failure of the family to complete the required tasks will result in the family not being selected to participate in the FSS Program.

Reasonable accommodation will be made for individuals with mobility, manual, sensory, speech impairments, mental or developmental disabilities.

The opportunity of participation in the FSS Program will be made available to all families regardless of age, sex, national origin, religion, or special needs.

Participation of families in the FSS program is voluntary and is not a condition of receiving assistance under the Housing Choice Voucher Program.

E. FSS CONTRACT OF PARTICIPATION [24 CFR 984.303]

Applicants enrolled in the FSS Program will have a written contract outlining all requirements of the applicant and Hillsborough County. The contract will include the services to be delivered to the applicant and who will provide support services. A time frame will be detailed for the training plan and the termination of the FSS contract. This will be extended in writing by mutual agreement of the applicant and the FSS Program Coordinator.

F. METHOD FOR IDENTIFICATION OF FAMILY SUPPORT NEEDS [24 CFR 984.303]

The family and FSS Coordinator identify family support needs during regular scheduled contacts. All participants are seen in person at least once every 12 months for a formal assessment of their progress toward self-sufficiency. The FSS Coordinator must complete an updated ITSP, and a written summary assessing their progress, current and potential obstacles, and resources needed at this time.

Participants are contacted quarterly to review their plan and set goals for the next quarter. Many of these contacts take place over the telephone; however a face-to-face case management visit is developed for each participant based on need.

a. Annual visit – The participant is on a career track and has been moving steadily along without crisis for the past year.

b. Semi-annual – The participant has a plan but has an unstable life situation making it difficult to focus on self-sufficiency tasks.
c. Quarterly visits – First year of participation and/or the participant has a plan, but needs a lot of support to take initial steps.

d. Occasionally extenuating circumstances exist requiring more frequent visits.

The FSS Coordinator identifies and assists the participant in removing current and potential obstacles to self-sufficiency. The FSS Coordinator acts as a catalyst in the development of a plan to remove/overcome obstacles and advocate on behalf of participants with other agencies when needed.

1. The obstacles each participant faces are identified during the initial assessment and updated during quarterly contacts and/or contacts initiated by the participant for assistance with a particular problem.

2. The FSS Coordinator assists each participant in developing plans to remove/overcome obstacles, including tasks and target dates. These plans are incorporated into their ITSP.

3. Participants take action on their own behalf whenever possible, however the FSS Coordinator advocates for a participant when they are not successful or find the task overwhelming.

4. The FSS Coordinator follows up with each participant outside the regularly scheduled meetings as needed to ensure that the plans are successfully carried out.

The FSS Coordinator identifies the resources needed by each participant to accomplish their final goal and helps participants access those resources.

1. The resources each participant needs are identified during the initial assessment and with subsequent updates to the ITSP.

2. The FSS Coordinator provides the participant with the name, contact person, and phone number for each resource identified in their ITSP, as needed.

3. The FSS Coordinator provides participants with written handouts and general information related to self-sufficiency goals and provides access to a directory of services.

4. The FSS Coordinator establishes contacts and liaisons with job training, employment, childcare, transportation, welfare, and education programs to assist participants in getting the assistance they need to become self-sufficient.

5. The FSS Coordinator advocates for resources for participants as needed.

G. **ESCROW POLICY (FSS ACCOUNT)** [24 CFR 984.305]

Hillsborough County Section 8 Program will begin accruing escrow on a monthly basis for any FSS family who has an increase in their earned income, resulting in an increase in rent. The escrow is based on the difference in the rent the family was paying when they first entered the program and signed an Individual Training and Service Plan, compared to the rent they pay as a result of their earned income increase. If the resident had been in a negative rent status, the escrow will always be based on a minimum rent of $50.00 per month. Example: A working family enters the program paying $150.00 in

rent. The head of household enrolls in FSS. As a result of an increase in earned income the family's rent increases to $250.00, the difference, $100.00, is the amount of monthly earned escrow.

Unreported Income and Late Rent

If a family fails to report their income within the specified time period, and owes the PHA money for excess HAP paid on their behalf, they will not begin earning escrow until the money owed to the PHA is paid in full. Additionally, FSS families are subject to the same level of offenses and consequences as non-FSS families on the Housing Choice Voucher Program.

If a family fails to pay their portion of rent to the landlord in a timely manner, in accordance with the lease, no escrow will be earned until the rent is paid up to date.

Escrow Disbursement

The Hillsborough County Section 8 Program will normally disburse the escrow account fund:

- When the family successfully completes the Contract of Participation, and
- Whenever 30% of the family monthly adjusted income equals or exceeds the Fair Market Rent for the size of the unit for which the family qualifies, and;
- When no family member receives welfare assistance, with the exception of transitional child care and/or transitional Medicaid.

A request letter must be sent to the Section 8 Operations Manager along with certification from the Department of Children and Families as to the last date any family member received assistance from federal and state entitlement programs (food stamps, TANF, Medicaid, etc.). Also, no request can be honored as long as the family has any debts owed to Section 8 Housing or to Family Self-Sufficiency, or if the participant has failed to complete an exit interview within 30 days of termination from the program.

Note: An FSS participant who successfully terminates from the FSS program and Section 8 Housing is not eligible for housing subsidies for two years following their housing termination date.

If the participant, at the end of their five-year contract, is fulfilling their ITSP, yet needs more time to terminate housing assistance, a request can be made to the FSS Coordinator for a one-year extension. The Health & Social Services Department has discretion to either approve or disapprove the extension. If approved, their escrow accrual will end at their five-year contract date and will not continue for the extension period, although their interest will continue to accrue. At the end of their one year extension, if they successfully terminate housing assistance and meet the terms of their FSS Contract and the FSS policy regarding escrow release they can access their escrow funds.

Hillsborough County Section 8 Program may authorize a <u>one-time only</u> partial release of the escrow funds during the term of the Contract of Participation:

- Upon recommendation from Family Self-Sufficiency, and
- When the family has fulfilled certain interim Contract goals, and
- Needs a portion of the FSS account funds for purposes consistent with the Contract of Participation. Some examples are: home ownership purposes, school tuition, transportation, and job training expenses.
- When no family member is currently receiving any welfare assistance. Proof must be provided.

A request letter must be forwarded to the Section 8 Operations Manager. Before the request can be granted, it must be determined that no monies are owed to either Section 8 Housing or Family Self-Sufficiency. The amount of the request is limited to 30% per year of successful contract completion.

H. DENIAL OF FSS APPLICANT [24 CFR 984.303]

An applicant will not be accepted as a participant in the FSS Program for any of the following reasons:

1. Applicant is uncooperative during the interview process.
2. Applicant was previously selected for the FSS Program and the family did not meet its FSS Obligations and was terminated for the FSS Program.
3. Applicant refuses to attend classes and/or activities.

I. TERMINATION OF FSS PARTICIPANT [24 CFR 984.303]

The FSS participant can be terminated for the same reasons as a regular participant of the Section 8 Program as described in the Hillsborough County Section 8 Housing Choice Administrative Plan. Other reasons for termination of the FSS participant are:

1. If the FSS family does not comply with the Contract of Participation, their contract may be terminated, and their FSS Escrow account forfeited, in the fourth year or thereafter. Escrow accounts are forfeited immediately upon contract termination. Families are notified in writing of the Housing Agency's decision to terminate the Contract of Participation. The notice will include the reason for the decision, and inform the family of its right to an informal hearing of the decision. Non-compliance with the Contract of Participation is not grounds for termination from Section 8, unless the non-compliance is also grounds for termination under Section 8 regulations.

2. A participant voluntarily withdraws from the program for personal or other reasons.

J. INFORMAL HEARING PROCEDURES [24 CFR 982.555]

If the PHA decides to terminate FSS participation because the family failed to comply with its FSS Contract, the PHA must offer the family the opportunity for an informal hearing. The informal hearing shall be conducted in the same manner as described in this Administrative Plan for the Housing Choice Voucher Program participants.

Chapter 22

HOUSING CHOICE VOUCHER HOMEOWNERSHIP PROGRAM

[24 CFR 982.626 thru 982.638]

INTRODUCTION

The Public Housing Agency (PHA) hereby establishes a Section 8 tenant based Homeownership Program in Hillsborough County, Florida, pursuant to the U.S. Department of Housing and Urban Development's (HUD) final rule dated October 12, 2000 and Section 555 of the Quality Housing and Work Responsibility Act of 1998 under Section 8(y), Homeownership Program.

A. PARTICIPANT QUALIFICATION [24 CFR 982.626, 982.627]

Any Section 8 applicant on the current wait list or participant who has been issued a Section 8 housing choice voucher may utilize the subsidy to purchase rather than rent a home, subject to the following:

1. A family must meet the requirements for admission to or continued participation in the PHA Section 8 Tenant-Based Housing Choice Voucher (HCV) Program.

2. The Homeownership Program will be included in all briefing and recertification interviews as well as media and community announcements. Current Section 8 participants must be in compliance with their lease and program requirements and must terminate their current lease arrangement in compliance with the lease.

3. A family in which the head of household or co-head has previously received assistance and has defaulted on a mortgage obtained through the Homeownership Program is barred from participation.

4. Participant families must be any of the following: "first-time homeowner," in which no family member owned any present ownership interest in a residence of any family member in the last three years; residents of limited equity cooperatives; or, a family of which a member is a person with disabilities, and use of the Homeownership Program is needed as a reasonable accommodation. (Title to a mobile home is not considered as homeownership for purposes of this option.)

5. Participants in the Section 8 Homeownership Program must attend and satisfactorily complete the pre-purchase homeownership counseling program and be deemed to be "mortgage ready" before a homeownership voucher will be issued. Participants are also required to attend and complete post-purchase, ongoing homeownership counseling. At a minimum, the counseling will cover the following:

   - Home maintenance
   - Budgeting and money management
   - Credit counseling
   - Negotiating the purchase price of a home
   - Financing
   - Locating the home
   - De-concentration issues
   - Family must only purchase a home that passes HQS inspection and has been satisfactory according the independent inspection

1. The head of household and/or co-head must be currently employed on a full-time basis (as defined by HUD to average 30 hours per week) and have been continuously so employed during the year before commencement of homeownership assistance. Families in which the head of household or co-head is disabled or elderly are exempted from this requirement. Families that include a person with a disability may request an exemption as a reasonable accommodation.

2. The family's gross income must be equal to or exceed $15,000.00 annually. Welfare assistance will not be used in for meeting the income requirement, except for households in which the head or co-head are elderly or disabled and for households that include a disabled person other than head or co-head. "Welfare assistance" includes federal housing assistance or the housing component of a welfare grant; Jobs and Family Services assistance; SSI that is subject to an income eligibility test; food stamps; general assistance or other assistance provided under a federal, state or local program that provides assistance available to meet family living or housing expenses.

3. Applicants may be enrolled in the Family Self-Sufficiency (FSS) Program but are not required to do so for qualifying in the program. Funds accumulated in the escrow account may be advanced for purchase of the home or home maintenance, subject to the guidelines of the FSS Program.

4. The family must be current participant on the HCV Program for a minimum of one year and be in good standing or an applicant who is on the current waiting list and who is eligible for admission to the HCV Program.

B. TIME FRAME TO PURCHASE A HOME [24CFR982.626 (b), CFR 982.629(a)]

An applicant will have a maximum of 90 days from the date of issuance of a homeownership voucher to find a home and enter into a Purchase Agreement. If an applicant is unable to enter into a Purchase Agreement before the end of the initial 90-day period, the applicant will be provided an extension of 90 days to either enter into a Contract of Sale or if participant wishes, they may convert their Housing Choice Voucher to rent a qualifying unit. Applicant from the waiting list will be returned to the waiting list in their proper position. Any additional extension will be at the discretion of the PHA Operations Manager or designee.

C. PORTABILITY [24CFR982.636]

Families determined eligible for homeownership assistance may exercise the Homeownership Program outside of PHA jurisdiction if the receiving public housing authority is administering a Section 8 Housing Choice Voucher Program and is accepting new families into its program.

D. ELIGIBLE UNITS

Units eligible for the Homeownership Program include the following:

1. Units under construction or already existing at the time the PHA determined that the family is eligible for homeownership assistance.
2. One-unit properties of single dwelling units (including manufactured homes) in cooperatives or condominiums.
3. May include a home where the family will not own fee title to the real property (manufactured home), but only if:

- The home has a permanent foundation; and
- The family has the right to occupy the site for at least 40 years.

4. The PHA may disapprove a unit seller for any reason provided for disapproval of an owner under the HCV Program.
5. PHA-owned units may qualify

E. CONTRACT OF SALE [24 CFR 982.631]

Participants in the Homeownership Program must initially complete a Purchase Agreement with the owner of the property to be purchased.

The Purchase Agreement must include the seller's certification that the seller(s) has not been debarred, suspended, or subject to a limited denial of participation under any federal contract in accordance with 24 CFR part 24. The Purchase Agreement must include the home's price and other terms of sale, the PHA pre-purchase HQS inspection requirements (including a provision that the participant will arrange for a pre-purchase inspection of the unit as set forth below), a provision that the participant is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser, and an agreement that the purchaser is not obligated to pay for any necessary repairs.

F. HOME INSPECTIONS

The participant must obtain an independent professional home inspection of the unit's major systems at the participant's expense. In all cases the inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical and heating systems. The inspector must provide a copy of the inspection report both to the family and to PHA.

PHA will conduct a Housing Quality Standards (HQS) inspection and will review the independent professional inspection of the unit's major systems. PHA retains the right to disqualify the unit for inclusion in the Homeownership Program based on either the HQS inspection or the independent professional inspection report. Annual HQS inspection will be conducted for a minimum of 2 years following purchase.

G. FINANCING [24CFR 982.632]

Mortgage instruments must meet at least one of the following criteria:

- The household is solely responsible for obtaining financing. All loans must meet FHA, or acceptable terms by Fannie Mae, Freddie Mac, reputable secondary markets, or acceptable mortgage insurance credit underwriting requirements. PHA will review lender qualifications, loan terms, and other family debt and expenses to determine that the debt is affordable and reserves the right to disapprove the loan if it is unaffordable or the terms are considered predatory.

- PHA requires a minimum homeowner down payment of at least (3%) of the purchase price for participation in its Section 8 Homeownership Program, and requires that at least two percent (1%) of the purchase price come from the family's personal resources. PHA may consider waiving or reducing the minimum down payment requirement in cases where the family is using down payment assistance grants in excess of $3,500.00 to purchase the unit. Waivers will be granted on a cases-by-case basis at the discretion of the Operations Manager or designee.

There is no prohibition against using local or state Community Development Block Grant (CDBG) or other subsidized financing in conjunction with the Homeownership Program.

PHA prohibits seller financing.

In the event of an appeal, the Section 8 Operations Manager will appoint a review panel.

H. LENGTH AND CONTINUATION OF ASSISTANCE [24 CFR 982.634]

Time Limits:

1. Maximum term of homeownership assistance:

    - 15 years, if the initial mortgage term is 20 years or longer.
    - 10 years in all other cases.

2. Time limits do not apply to elderly or disabled families.

    - Elderly: the family must qualify as elderly at the start of home-Ownership assistance
    - Disable: the exception applies if the family qualifies as disabled at any time during homeownership assistance.

3. If the family ceases to qualify as elderly or disabled during the course of homeownership assistance, the maximum term becomes applicable from the date assistance commenced.

    - However, provided the family is otherwise eligible, the family must be provided at least 6 months of homeownership assistance after the time limits become applicable.

4. Time limits are applied from the date of initial purchase, regardless of whether the family moves to a new unit or receives assistance from different PHA's.

I. FAMILY OBLIGATIONS [24 CFR 982.633]

In addition to completing the pre- and post-purchase homeownership counseling program, the family must execute a statement of family obligations, prior to the issuance of the homeownership voucher, agreeing to comply with all family obligations under the Homeownership Program, including:

1. The family must comply with the terms of any mortgage securing debt incurred to purchase the home or any refinancing of such debt.

2. At any time the family is receiving homeownership assistance, the family may not sell or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home.

3. A home equity loan may not be acquired without the prior written consent of PHA.

4. The family must provide required information regarding income and family composition in order to calculate correctly total tenant payment and homeownership assistance, consistent with Section 8 requirements and other information requested by PHA concerning financing, the transfer of any interest in the home, or the family's homeownership expenses.

5. While receiving homeownership assistance, the family must notify PHA if the family defaults on a mortgage securing any debt incurred to purchase the home.

6. While receiving homeownership assistance, the family must notify PHA before the family moves out of the home.

7. The family must, at annual reexamination, document that the family is current on mortgage, insurance and utility payments.

8. The family is prohibited from moving more than one time in a one (1) year period. The family may be required to participate in pre- and post-purchase homeownership counseling prior to recertification.

9. While receiving homeownership assistance, no family member may have any ownership interest in any other residential property.

J. **ASSISTANCE PAYMENT** [24 CFR 982.635]

The PHA may provide upon approval by HUD, one of two types of homeownership assistance paid directly to the lender on behalf of the family.

1. A monthly homeownership assistance payment

The family's Section 8 monthly housing assistance payment will be the lower of (1) the Section 8 voucher payment standard minus the Total Tenant Payment or (2) the family's monthly homeowner expenses minus the Total Tenant Payment.

Homeownership expenses include principal and interest on mortgage debt, refinancing charges of mortgage debt, mortgage insurance premiums, real estate taxes and public assessments, home insurance, allowance for maintenance expenses, allowance for major repairs and replacements based on allowance recommended by PHA's designees, a utility allowance, and principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home (including expense of reasonable accommodation).

If a family's income increases to a level that they are no longer eligible to receive a housing assistance payment, eligibility for such payments will continue for 180 calendar days. At the end of a continuous period of 180 days without any assistance payments, eligibility for Section 8 assistance will automatically terminate.
A single down payment assistance grant

If approved by HUD and the family chooses to take the single down payment assistance grant, they will not be eligible for monthly payment from PHA.

To be eligible to receive the down payment assistance grant, the family must meet all eligibility requirements for the homeownership option and must have been receiving tenant based rental assistance for a one-year period prior to receiving the down payment grant.

The maximum down payment grant "may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based on the income of the family at the time the grant is made." The amount paid by PHA on behalf of the family will not exceed twelve (12) monthly payments which would be the payment standard minus the TTP times 12 months. Homeownership expenses will not be considered in making the determination. The down payment assistance grant will be paid at the time of closing on a home and must be applied toward the purchase price of the home. The PHA will not implement the provisions on down payment assistance until HUD provides the necessary funding and authorization to implement. Although the PHA may not prepare, the PHA will make this option available to tenants that meet the qualifying criteria.

K. LEASE-TO-PURCHASE

Lease-to-Purchase agreements are considered rental property and subject to the Section 8 tenant-based assistance rules. All regulations of the Homeownership Program will become effective at the time that the family exercises the option to use a homeownership voucher.

L. DEFAULT

If the family defaults on the home mortgage loan, the participant will not be able to use the Homeownership Voucher for rental housing but may be active and can return to the Section 8 waiting list.

M. RECAPTURE

PHA will not recapture the Homeownership Voucher Payments unless there was an act of fraud or misrepresentation of a material fact in order to obtain a benefit. The HCV Homeownership recapture provision does not apply to any other program funds that may be used in the transaction.

N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638]

PHA reserves the right to deny or terminate assistance for the family, and will deny voucher rental assistance for the family, in accordance with HUD regulations governing any failure to comply with family obligations, mortgage default or failure to demonstrate that the family has conveyed title to the home as required, or the family has moved from the home within the period established or approved.

O. INFORMAL HEARINGS [24 CFR 982.555]

An informal hearing will be provided for participants who are being terminated from the Program because of the family's action or failure to act as provided in 24 CFR 982.552. The rules and procedures are set forth in the Hillsborough County's Section 8 Administrative Plan, entitled "Informal Hearings," will apply.

PROGRAM INTEGRITY ADDENDUM

[24 CFR 792.101 to 792.204, 982.54]

INTRODUCTION

The US Department of HUD conservatively estimates that 600 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The PHA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The PHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the PHA's policies for the prevention, detection and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the PHA undertake an inquiry or an audit of a participating family arbitrarily. The PHA's expectation is that participating families will comply with HUD requirements, provisions of the voucher, and other program rules. The PHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the PHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the PHA’s attention, to investigate such claims.

The PHA will initiate an investigation of a participating family only in the event of one or more of the following circumstances with the approval of the Supervisor:

- **Referrals, Complaints, or Tips.** The PHA will follow up on referrals received by mail, by telephone, or in person from other agencies, companies or persons alleging that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.

- **Internal File Review.** A follow-up will be made if PHA staff discovers (as a function of a certification or recertification, an interim re-determination, or a quality control review), information or facts which conflict with previous file data, the PHA's knowledge of the family, or statements made by the family.

- **Verification of Documentation.** A follow-up will be made if the PHA receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or reports from credit bureaus or other agencies).

B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The PHA management and staff will utilize various methods and practices (listed below) to prevent program abuse, noncompliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

Things You Should Know (HUD-1140-O1G*).* This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.

Program Orientation Session. Mandatory orientation sessions will be conducted by the PHA staff for all prospective program participants, either prior to or upon issuance of a voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.

Resident Counseling. The PHA will routinely provide participant counseling as part of every mover recertification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and explanation of Forms. Staff will explain all required forms and review the contents of all certification documents prior to signature for all new families and movers. Staff is available to discuss these issues during the recertification process for stayers also, upon request of the family.

Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Participant Certification. All family representatives will be required to sign a certification at the time of initial housing concerning the orientation process received.

C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The PHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews. At the completion of initial certification and all subsequent re-certifications, 5% of participant files will be reviewed by random selection by the Supervisor or Senior Housing Counselor. A new random selection (not to exceed 5% of all cases) of both new and re-exam files will be further reviewed by Quality Control Staff. Such reviews shall include, but are not limited to:

- Verification of all income and deductions
- Changes in reported Social Security numbers or dates of birth
- Authenticity of file documents
- Ratio between reported income and expenditures
- Consistency of signatures with previously signed file documents
- Date and signatures on all documents

Observation. The PHA Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

Observations will be documented in the family's file.

Public Record Bulletins. These bulletins may be reviewed by management and staff.

State Wage Data Record Keepers. Inquiries to state wage and employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits.

Credit Bureau Inquiries. Credit bureau inquiries may be made (with proper authorization by the participant) in the following circumstances:

- At the time of final eligibility determination
- When an allegation is received by the PHA wherein unreported income sources are disclosed
- When a participant's expenditures exceed his /her reported income and no plausible explanation is given

D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The PHA staff will encourage all participating families to report suspected abuse to any Section 8 staff person. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The Supervisor will not approve follow up on allegations which are vague or otherwise non-specific. The PHA will only review allegations which contain one or more independently verifiable facts.

File Review. An internal file review will be conducted to determine whether the subject of the allegation is a client of the PHA and, if so, whether or not the information reported has been previously disclosed by the family.

The PHA will then determine if it is the most appropriate authority to do a follow-up (as compared to police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there are fact contained in the allegation that conflict with file data and that are independently verifiable, the Supervisor will approve an investigation to determine if the allegation is true or false. The Housing Counselor assigned the case is responsible for the follow-up.

E. OVERPAYMENTS TO OWNERS

If a landlord has been overpaid as a result of fraud, misrepresentation, or violation of the HAP contract, the PHA may terminate the contract and arrange for restitution to the PHA as appropriate.

The PHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the PHA or the tenant, as applicable.

F. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the PHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by Management to monitor program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include the items listed below. In all cases, the PHA will secure the written authorization from the program participant for the release of information. The family's refusal to cooperate with the investigation is grounds for denial or termination.

Credit Bureau Inquiries. In cases involving previously unreported income sources, a credit bureau inquiry may be made to determine whether the financial activity of family conflicts with the family's reported income.

Verification of Credit. In cases where the financial activity conflicts with file data, a v*erification of credit* form may be mailed to the creditor to determine the source of the unreported income.

Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses who are believed to have direct or indirect knowledge of facts pertaining to the PHA's review may be interviewed.

Other Agencies. Investigators, case workers or representatives of other benefit agencies may be contacted.

Public Records. The PHA will review any relevant public records kept in a jurisdictional courthouse. Examples of public records that may be checked are real estate records, marriage and divorce records, uniform commercial code financing statements, voter registration rolls, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members. The PHA will discuss the allegation (or details thereof) with the Head of Household or family members by scheduling an appointment at the appropriate PHA office. A high standard of courtesy and professionalism will be maintained by the PHA staff person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.

G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be considered "work product" and will be kept in the participant's file.

Such cases under review will not be discussed among PHA Staff unless they are involved in the process, or have information that may assist in the investigation.

H. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Manager or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

I. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

- What type of violation has occurred (procedural non-compliance, fraud)
- Whether the violation was intentional or unintentional
- What amount of money (if any) is owed by the family
- Whether the family is eligible for continued occupancy

J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation and prior history.

1. **Procedural Non-compliance.** This category applies when the family "fails to" observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

   Examples of non-compliance violations are:

   - Failure to appear at a pre-scheduled appointment
   - Failure to return verification in the time period specified by the PHA

1st Offense:

Warning Notice to the Family: A notice will be sent to the family which contains the following:

- A description of the non-compliance and the procedure, policy or obligation which was violated.
- The date by which the violation must be corrected, or the procedure complied with.
- The action which will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PHA.
- The consequences of repeated (similar) violations.

2nd Offense:

Notice of Intent to Terminate Assistance: A notice will be sent to the family which contains the following:

- A description of the violation.
- The effective date of the termination.
- The last day of housing assistance payment.
- The procedure and due date to request an informal hearing.

2. **Procedural Non-compliance - Overpaid Assistance.** When the family owes money to the PHA for failure to report changes in income or assets, the PHA will issue a notice of overpayment of assistance. This notice will contain the following:

   - A description of the violation and the date(s)
   - The amount owed to the PHA

The remedy action required as noted below:

- **First Level Offense:** *First offense **and** under $2,000 unreported income*: Remedy: repayment agreement; terms and conditions as defined in the Administrative Plan.

- **Second Level Offense:** *Second offense* **or** *over $2,000 unreported income*: same as program fraud. Remedy: Excess HAP due in full within 30 calendar days. If this is also a second offense, the appropriate remedy also includes termination of assistance with right to informal hearing.

- **Third Level Offense:** Unreported income at any time that exceeds $10, 000, regardless of occurrence. Remedy: Excess HAP due in full within 10 business days and Termination of assistance with right to informal hearing.

Acknowledgement of the family's right to disagree and to request an informal hearing with instructions for the request of such hearing.

(a) Participant Fails to Comply with PHA's Notice of Overpayment of Assistance. If the Participant fails to comply with the PHA's notice and a family obligation has been violated, the PHA will initiate termination of assistance.

(b) Participant Complies with PHA's Notice of Overpayment of Assistance. Except for 3rd offenses which require initiation of the termination process, when a family complies the PHA's notice of overpayment of assistance, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule that was violated. The staff person will complete written documentation of the counseling, give one copy to the family and retain a copy in the family's file.

3. **Intentional Misrepresentations.** When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the PHA, the PHA will evaluate whether or not:

- The participant had knowledge that his/her actions were wrong
- The participant willfully violated the family obligations or the law

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on the application, various certifications, the briefing form and Things You Should Know form are adequate to establish knowledge of wrong-doing.

Willful Intent. Any of the following circumstances will be considered adequate to demonstrate willful intent:

(a) An admission by the participant of the misrepresentation

(b) Repetition of the misrepresentation

(c) Use of a false name or Social Security number

(d) Admissions of the illegal action or omission by the participant to others

(e) Omission of material facts known to the participant (e.g., employment of the participant or other household member)

(f) Falsification, forgery or altering of documents

(g) Uttering and certifying to statements at an interim (re)determination that are later independently verified to be false

4. **Dispositions of Cases Involving Misrepresentations**. In all cases of misrepresentations involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

(a) Criminal Prosecution. If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will:

- Refer the case to the local State or District Attorney, notify HUD's regional inspector general for investigation and terminate rental assistance.

(b) Administrative Remedies:

- Families who owe money to the PHA due to program fraud will be required to pay the amount in full within 30 days. If the full amount is paid within this time period, and the family is still eligible the PHA may continue assistance to the family at the correct level.

- If the full amount is not paid in full within this time period, without an approved exception for an extension, the assistance will be terminated and restitution demanded in full prior to eligibility for future assistance during normal open enrollment periods. Repayment agreements are not offered to families who owe money to the PHA due to program fraud or misrepresentation.

5. **Notification to Participant of Proposed Action.** The PHA will notify the family of the proposed action via the letter of intent to deny or terminate assistance or notification of overpayment. The family may request an informal review or hearing prior to the disposition of the case becoming final if they disagree with the PHA's decision. The informal review or hearing process is conducted in accordance with Chapter 15 of the Administrative Plan. If the family fails to request an informal review or hearing the PHA's determination will become final.

6. **Factors Considered in Proposed and/or Final Determination.** Prior to the proposed and/or final determination of the proposed action, the PHA will consider, within the context of the rules in this Administrative Plan governing the investigative process and/or the informal review/hearing process:

- The duration of the violation
- The number of false statements
- The family's ability to understand the rules
- The family's willingness to cooperate and to accept responsibility for the family's actions
- The amount of money involved
- The family's history
- The presence or absence of criminal intent

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
ELI	Extremely low income
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FmHA	Farmers Home Administration
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GFC	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
GR	Gross Rent
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee.
HURRA	Housing and Urban/Rural Recovery Act of 1983; resulted in most of the 1984 HUD regulation changes to definition of income, allowances, rent calculations.
IG	Inspector General
IGR	Independent Group Residence

IPA	Independent Public Accountant
IRA	Individual Retirement Account
MSA	Metropolitan Statistical Area established by the U.S. Census Bureau
PHA	Public Housing Agency
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RFAT	Request for Approval of Tenancy
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SEMAP	Section Eight Management Assessment Program
SRO	Single Room Occupancy
SSMA	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment
VAWA	Violence Against Women Reauthorization Act of 2005

B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

1937 ACT. The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.)

ADMINISTRATIVE PLAN. The HUD required written policy of the PHA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the PHA's board and a copy submitted to HUD as a supporting document to the PHA Plan.

ABSORPTION. In portability, the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADA. Americans with Disability Act of 1990 (42 U.S.C. 12101 et seq.)

ADJUSTED INCOME. Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE. Fee paid by HUD to the PHA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve"). Account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION. The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

ANNUAL BUDGET AUTHORITY. The maximum annual payment by HUD to a PHA for a funding increment.

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

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

AREA EXCEPTION RENT. Rent based on a HUD- approved payment standard amount that is higher than the basic range for a designated part of the fair market rent area ("exception area").

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to PHA's under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

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

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

COOPERATIVE. A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151.

CONTIGUOUS MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

COOPERATIVE. (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type: See 24 CFR 982.619.

COVERED FAMILIES. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person, or is a full-time student 18 years of age or over.

DISABILITY ASSISTANCE EXPENSE. Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

DISABLED FAMILY (for HUD Allowance Purposes). A family whose head or spouse or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

DISABLED PERSON. See Person with Disabilities.

DISPLACED PERSON/FAMILY. A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

DOMICILE. The legal residence of the household head or spouse as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

DRUG TRAFFICKING. The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ECONOMIC SELF-SUFFICIENCY PROGRAM. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603(c).

ELDERLY HOUSEHOLD. A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY (Family)**.** A family is defined by the PHA in the administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30% of medical income for an area if HUD finds such variations are necessary due to unusually high or low family incomes.

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the *Federal Register.*

FAMILY. "Family" includes but is not limited to:

- A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);

- An elderly family;
- A near-elderly family;
- A displaced family;
- The remaining member of a tenant family; and
- A single person who is not an elderly or displace person, or a person with disabilities, or the remaining member of a tenant family.

("Family" can be further defined by the PHA).

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

- The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
- The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY RENT OT OWNER. In the voucher program, the portion of the rent to owner paid by the family.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by a PHA to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA's subsidy standards.

FMR/EXCEPTION RENT LIMIT. The fair market rent published by HUD headquarters. In the pre-merger certificate program the initial contract rent for a dwelling unit plus any utility allowance could not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the PHA adopts a payment standard schedule that is within 90% to 110% of the FMR for each bedroom size.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended).

FUNDING INCREMENT. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

GENERATION. A span of 18 years.

GROSS FAMILY CONTRIBUTION. Changed to Total Tenant Payment.

GROSS RENT. The sum of the Rent to Owner and the utility allowance. If there is no utility allowance, Rent to Owner equals Gross Rent.

GROUP HOME. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. ("PHA" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by a PHA. The total assistance payment consists of:

A payment to the owner for rent to owner under the family's lease.

An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between a PHA and an owner in the form prescribed by HUD headquarters, in which the PHA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING ASSISTANCE PLAN. (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD. The Department of Housing and Urban Development.

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

IMPUTED ASSET. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate X total cash value of assets. Calculation used when assets exceed $5,000.

IMPUTED WELFARE INCOME. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

By exercise of the power of self-government of an Indian Tribe, independent of State law, or

By operation of State law providing specifically for housing authorities for Indians.

INITIAL PAYMENT STANDARD. The payment standard at the beginning of the HAP contract term.

INITIAL PHA. In portability, the term refers to both:

- A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
- A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

INITIAL RENT TO OWNER. The rent to owner at the beginning of the HAP contract term.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

JURISDICTION. The area in which the PHA has authority under State and local law to administer the program.

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LEASE. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA.

LEASE ADDENDUM. See Tenancy Addendum (For pre-merger Certificate, pre-merger OFTO, and pre-merger Voucher tenancies, the lease language required by HUD in the lease between the tenant and the owner).

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

- Is determined to be essential to the care and well-being of the person.
- Is not obligated for the support of the person.
- Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE. A preference used by the PHA to select among applicant families.

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 80% for areas with unusually high or low income families.

MANUFACTURED HOME. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. (A deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MERGER DATE. October 1, 1999.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MIXED FAMILY. A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income.

MUTUAL HOUSING. Included in the definition of COOPERATIVE.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

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

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

NET FAMILY ASSETS. Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

NON CITIZEN. A person who is neither a citizen nor a national of the United States.

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OWNER. Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT. A family that has been admitted to the PHA's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (First day of initial lease term).

PAYMENT STANDARD. The maximum monthly assistance payment for a family assisted in the voucher program before deducting the total tenant payment by the family. The PHA sets a payment standard in the range from 90 to 110 percent of the current FMR/exception rent limit.

PERSONS WITH DISABILITIES. A person who has a disability as defined in 42 U.S.C. 423 or a developmental disability as defined in 42 U.S.C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical or mental impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means an "individual with handicaps" as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes).

PHA PLAN. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD in accordance with part 903 of this chapter.

PORTABILITY. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA

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

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PROCESSING ENTITY. Entity responsible for making eligibility determinations and for income reexaminations. In the Section 8 Program, the "processing entity" is the "responsible entity."

PROGRAM. The Section 8 tenant-based assistance program under this part.

PROGRAM RECEIPTS. HUD payments to the PHA under the consolidated ACC, and any other amounts received by the PHA in connection with the program.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following:

- A consortia of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members):
- Any other public or private non-profit entity that was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a PHA) on October 21, 1998; or

For any area outside the jurisdiction of a PHA that is administering a tenant-based program, or where HUD determines that such PHA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.

REASONABLE RENT. A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.

RECEIVING PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a certificate or voucher and provides program assistance to the family.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

REGULAR TENANCY. In the pre-merger Certificate program: A tenancy other than an over-FMR tenancy.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

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

RESIDENCY PREFERENCE. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

RESIDENCY PREFERENCE AREA. The specified area where families must reside to qualify for a residency preference.

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

RESPONSIBLE ENTITY. For the public housing and Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SEMAP. Section Eight Management Assessment Program.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SEXUAL PREDATOR. Any person subject to a lifetime sex offender registration requirement.

SINGLE PERSON. A person living alone or intending to live alone.

SPECIAL ADMISSION. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SPECIFIED WELFARE BENEFIT REDUCTION. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

- Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
- Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
- Direct loans pursuant to Section 202 of the Housing Act of 1959; or
- Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
- Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
- A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

SUSPENSION/TOLLING. Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension.

TENANCY ADDENDUM. For the Housing Choice Voucher Program, the lease language required by HUD in the lease between the tenant and the owner.

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

TENANT RENT. The amount payable monthly by the family as rent to the unit owner.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled family household members, but only where such care was necessary to enable a family member to be gainfully employed.

UPFRONT INCOME VERIFICATION. The verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

UTILITY REIMBURSEMENT. In the voucher program, the portion of the housing assistance payment which exceeds the amount of the rent to owner.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Voucher Program.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

VIOLENT CRIMINAL ACTIVITY. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

VOUCHER (rental voucher). A document issued by a PHA to a family selected for admission to the voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

VOUCHER HOLDER. A family holding a voucher with an unexpired term (search time).

VOUCHER PROGRAM. The Housing Choice Voucher program.

WAITING LIST ADMISSION. An admission from the PHA waiting list.

WAITING LIST. A list of families organized according to HUD regulations and PHA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE. Income assistance from Federal or State welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. FOR THE FSS PROGRAM (984.103(b)), "welfare assistance" includes only cash maintenance payments from Federal or State programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or Social Security.

WELFARE-TO-WORK (WTW) FAMILIES. Families assisted by a PHA with voucher funding awarded to the PHA under the HUD welfare-to-work voucher program (including any renewal of such WTW funding for the same purpose).

C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE

CHILD. A member of the family other than the family head or spouse who is under 18 years of age.

CITIZEN. A citizen or national of the United States.

EVIDENCE OF CITIZENSHIP OR ELIGIBLE STATUS. The documents which must be submitted to evidence citizenship or eligible immigration status.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

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

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NONCITIZEN. A person who is neither a citizen nor nation of the United States.

PHA. A housing authority that operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the PHA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a).

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

VAWA. Violence Against Women Act of 2005.