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: _NH Housing Finance Authority PHA Code: NH901
PHA Type: ☐ Small ☒ High Performing ☐ Standard ☒ HCV (Section 8)
PHA Fiscal Year Beginning: (MM/YYYY): 07/01/2010

2.0 **Inventory** (based on ACC units at time of FY beginning in 1.0 above)
Number of PH units: 0 Number of HCV units: 3,382

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.)

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.** State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years:

To creatively promote, finance and support affordable housing opportunities and related services for the benefit of New Hampshire families and individuals through the efficient utilization of resources and the building of effective partnerships, thereby contributing to the economic and social development of the State and its communities.

5.2 **Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

Continue to administer the Housing Choice Voucher Program to meet the needs of very low and extremely low income individuals. In addition to that program, continue to provide Mod Rehab Assistance, Project based voucher assistance and apply for any new vouchers when available.

6.0	**PHA Plan Update** (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: 1. Eligibility, selection and admissions policies: **in Admin Plan, no changes to be made this year.** 2. Financial resources: **$27 million HCV funding.** 3. Rent determination: **In Administrative Plan.** 4. N/a 5. Grievance Procedures: **In Administrative Plan. Minor changes scheduled for March 2010.** 6. N/a 7. Community Service and Self-Sufficiency: **New Hampshire Housing offers an online coaching system called "Virtual Goal Coach", computer distribution program, pre and post-homeownership education and counseling to all assisted clients. Currently we have 141 families in the FSS program with 70% having escrow balances. In addition, we support an FSS loan and grant program to assist with reducing employment barriers and to encourage economic self sufficiency. New Hampshire Housing provides coaching and education (one-on-one, online and through conference calls) to FSS clients on employment and money management related topics.** 8. N/a 9. N/a 10. Civil rights certification: **New Hampshire Housing examines its programs and proposed programs to identify any impediments to fair housing choice within those programs. We address any impediments and work to implement any of the jurisdiction's initiatives to affirmatively further fair housing. Our plan is consistent with the Consolidated plan for this jurisdiction. In Administrative Plan.** 11. Fiscal year audit: **no findings.** 12. N/a 13. VAWA: **To accomplish implementation of the law, we have undertaken the following activities:** **a. Added VAWA to our Administrative Plan.** **b. Conducted training on domestic violence for service providers.** **c. Conducted training with Legal Assistance highlighting the housing authority's responsibilities under the law.** **d. Provided access for staff to the Department of Health and Human Services Directory of Assistance which lists domestic violence agencies, useful for referrals.** **e. Notified owners, tenants and applicants of the law by mail and website.** (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 5-Year and Annual PHA Plan are available at the main office at 32 Constitution Drive, Bedford and at the satellite office in Littleton, NH. In addition, it is found on the website at www.nhhfa.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.* **NH901 currently has 147 homeownership participants.** **The use of Project-based vouchers continues but no new units are being added. NH901 currently has 166 units under the 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 the *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. **NHHFA is working to meet the needs of non-elderly families by applying for and administering Mainstream and CERTAIN development vouchers. More affordable units are being developed and built as a part of NHHFA's ongoing development program, using HOME funds, Low Income Tax Credit Program and the tax exempt financing program.**

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.** NHHFA will continue to apply for vouchers as they become available. Currently we are reviewing the proposed budget and working to determine how many clients it will support. We will work to maximize the number of families on the program so that we can assist more people from our waiting list, however, we will work to stay under the budgeted amount as well as under the baseline figure. We will continue to administer an in-house emergency housing program to assist individuals on the waiting list who are under threat of eviction.
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. **We have met the goals set out in our previous 5 year plan by:** • **applying for and receiving 20 mainstream vouchers and 56 new CERTAIN development vouchers.** • **continuing to increase subsidized choices by leveraging private and public funds to create additional housing opportunities.** • **adding to the affordable units throughout the state through use of the Low Income Tax Credit Program, the Home Program, and the tax exempt financing program. Additionally we have continued low interest loans to encourage development and have continued the use of already allocated project based vouchers.** • **achieving the maximum SEMAP score and we have confirmed through a survey completed in the fall of 2009 that our customer service satisfaction is high.** • **providing replacement vouchers as the opportunity presents itself. Most recently NHHFA is working to provide 30 vouchers for a pending prepayment.** • **increasing payment standards in 2009, however, due to funding issues the payment standards had to be returned to 100% of the Fair Market Rent. That was done to comply with budget constraints while still working to assist the large number of people on the waiting list.** • **providing voucher mobility counseling to clients through the briefing process as well as phone contact with current clients.** • **continuing to provide counseling in the voucher homeownership program as it continues to grow. The homeownership counseling grant has been instrumental in being able to continue that counseling. It has allowed more clients to realize the dream of homeownership.** • **promoting self-sufficiency through a web-based coaching tool to assist FSS clients in increase the number and percentage of employed persons in assisted families. Although the economy has had an impact on achieving this goal, the tool has now been made available to all Housing Choice Voucher clients, with the goal of helping a wider range of individuals. This also helps to increase the independence of elderly and families with disabilities.** • **continuing to affirmatively further fair housing by making our programs available to all regardless of race, color, religion, national origin, sex, familial status, disability, marital status, sexual orientation or age. NHHFA continues to do outreach to public service agencies to make the availability of housing resources known to all. In addition NHHFA ensures accessibility of housing to persons with various disabilities by providing accommodation to our subsidy standards due to disability.** (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" **We will use HUD's definition:** • **Changes to rent or admissions policies or organization of the waiting list.** • **Additions of non-emergency work items or change in use of replacement reserve funds under the Capital Fund.** • **Additions or ne activities not included in the Current PHDEP plan, and;** • **Any change with regard to demolition or disposition, designation, homeownership programs or conversion activities.** **An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements; such changes will not be considered significant amendments by HUD.**

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)

Resident Advisory Board Comments

Participants Comments and Recommendations	New Hampshire Housing's Response
1. The resident advisory board discussed the importance of the Violence Against Women's Act. Two of the participants felt that a preference would be helpful but two others felt that victims of domestic violence have other options. They also discussed giving a preference to the working families on the waiting list. Opinions were mixed on this as well.	The pros and cons of changing the preferences were discussed. The current preferences are designed to assist those applicants with the greatest need within our mission and given our limited resources. They do not exclude the working poor or victims of domestic violence. We continually consider whether such a change would help our client base but need to make sure it does not negatively impact any one group of applicants. Given the current issues with the economy, giving a working preference might have a negative result for many unemployed clients in need. No changes will be made in the preferences at this time.
2. The resident advisory board discussed whether we should lower the payment standards in an effort to assist more people even though the assistance would be a lower amount. All of the participants felt this was a bad idea. They stated that not only did lower subsidy payments make it harder to find units but they needed the level of help they are getting now and cannot imagine having it lowered.	New Hampshire Housing agrees with that opinion and feels that helping the clients at the current rate is the best decision. Even though we would like to help more clients, we continually hear from our client base that less assistance would be a hardship.
3. The resident advisory board also discussed the need for more affordable housing in the state. They encouraged New Hampshire Housing to advocate for more money to be able to develop more affordable units.	New Hampshire Housing continues to develop affordable units throughout the state by using all available resources.

New Hampshire Housing Finance Authority

Housing Choice Voucher Administrative Plan

Revised March 2010

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1. Definitions

These definitions are provided for the reader's convenience. They do not supersede the definitions found in HUD's program regulations for the same terms. The complete list is found in Part 5 of the HUD regulations.

Absorption. In portability, the point at which a receiving PHA stops billing the initiating PHA for assistance on behalf of a family living in the receiving PHA's jurisdiction.

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 Income. Defined in 24 CFR 982.4, which references Part 5.609.

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

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 voucher program.

Criminal Activity. Any other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontract or agent).

Currently engaging in. With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity; currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

Displaced Person. A person 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.

Drug-Related Criminal Activity. The illegal manufacture, sale, distribution, *or* use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug (as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802).

Elderly Person. An individual who is at least 62 years of age.

Extremely Low Income. A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Fair Market Rent. (FMR) Defined in 24 CFR Part 5.100

Family Composition. A "family" may be a single person or a group of persons. A "family" includes a family with a child or children or 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.

Family Unit Size. The appropriate number of bedrooms for a family. Family unit size is determined by the Housing Authority under the occupancy standards.

Federally Assisted Housing. Housing as defined in Part 5.100

HAP Contract. Housing assistance payments contract.

Homeless family. A homeless family is a family that lacks a fixed, regular and adequate nighttime residence and also has a primary nighttime residence that is a supervised publicly/privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing), an institution that provides a temporary residence for individuals intended to be institutionalized or a public/private place not designed for, or ordinarily used for sleeping by human beings. A homeless family does not include an individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

HUD. The U.S. Department of Housing and Urban Development.

Incidental profit making. Tenant earned income from work done in the assisted unit, which does not change the fundamental use of the unit.

Live-In Aide. A person who resides with an elderly or disabled person who:

(1) Is determined to be essential to the care and well being of the person.

(2) Is not obligated for the support of the person.

(3) Would not be living in the unit except to provide necessary supportive services.

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.

1937 Housing Act. The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) The HUD tenant based programs are authorized by Section 8 of the 1937 Housing Act (42 U.S.C. 1437f) (including assistance under a Section 8 tenant-based or project based program).

1937 Housing Act program. Any of the following programs:

(1) The public housing program or Indian housing program.

(2) Any program assisted under Section 8 of the 1937 Housing Act (42 U.S.C. 1437f)

(including assistance under a Section 8 tenant based or project based program).

(i) The Section 23 leased housing program.

(ii) The Section 23 housing assistance payment program.

Occupancy Standards. Standards established by the Housing Authority to determine the appropriate number of bedrooms for families of different sizes and compositions. See definition of "family unit size."

Participant. A family that has been admitted to the voucher program. The family becomes a participant on the effective date of the first HAP contract executed for the family.

Payment Standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family). 24 CFR 982.4

Person with Disabilities. (a) Means a person who:

1) Has a disability as defined in 42 U.S.C. 423;

2) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

   a. is expected to be of long-continued and indefinite duration;

   b. substantially impedes his or her ability to live independently; and

   c. is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

3) Has a developmental disability as defined in 42 U.S.C. 6001.

   (a) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

   (b) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

Ranking Preference. A preference used to select among families that qualify for a federal preference, or when federal preferences are not being used, to select from the list.

Reasonable Accommodation. A reasonable accommodation is the granting of changes in our practices, policies or services for persons with disabilities (as defined under 24 CFR 5.403) to allow full use of their housing opportunities.

Single person family. A single person family may be an elderly person, a displaced person, a disabled person or any other single person as noted in 982.201 (c)(4) (I-iv).

United States Housing Act of 1937. (1937 Housing Act). The basic law that authorizes the public and Indian housing programs, and the Section 8 programs. (42 U.S.C. 1437 et seq.)

Very Low-Income Family. A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Violent Criminal Activity. Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Voucher. A document issued by the Housing Authority to a family selected for participation in the rental voucher program. The voucher describes the program, and the procedures for Housing Authority 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 unexpired search time.

Wrong-size unit: A unit occupied by a family that does not conform to the Housing Authority's subsidy guideline for family size, by being too large or too small compared to the guideline.

2. Statements of Policies and Objectives

2.1 Mission Statement

To promote, finance and support safe, affordable and needed housing and related services for New Hampshire families, individuals and communities. To contribute to, support and sustain the economic development of the State, its communities and neighborhoods by providing financial support for the development of housing opportunities for all people.

2.2 Policies and Objectives

(a) The New Hampshire Housing Finance Authority utilizes the Section 8 Housing Choice Voucher Program as one of its major housing vehicles to assist low income tenants in locating safe, decent, and sanitary housing within affordable limits. The Authority has statewide jurisdiction. Tenants are likely to be assisted in a variety of unit types including; walk-up, duplex, single family and mobile homes. Owners of mobile homes are eligible equally under the program as provided by new regulations in 1979, and other types of housing or households will be served as changes in regulations/statutes permit.

(b) Operating expenses for the Section 8 Housing Choice Voucher Program are controlled through NHHFA's annual operating budget process as submitted by the Executive Director and approved by the Board of Directors. The Executive Director is authorized to expend up to $25,000 of Section 8 Existing administrative fee reserve during any one fiscal year without direct Board approval. The Board of Directors will be notified of such expenditure. Any amount exceeding $25,000 must first have Board approval.

2.3 Program Objectives

The Authority will coordinate its program with other local housing authorities, other state agencies and local agencies to make the most effective use of the monies available. This will include working with special interest groups attending to the needs of individuals with disabilities, elderly, terminally ill and extremely and very low-income families. The Authority will also assist families with housing needs through its programs and referrals to housing related services.

3. Waiting List Management

Third party verifications of income and expenses are not performed at the time of application receipt. Applicants who are not New Hampshire residents are notified that they will be required to lease a unit in NHHFA's jurisdiction for the first 12 months of assistance. If there are not sufficient funds to assist all applicants, the applicants will be placed on a waiting list by date and preference. Multiple applications received on the same date will be sorted by social security number.

3.1 Removing Applicants from the Waiting List

(a) If a household cannot be contacted via written correspondence, their name is removed from the active waiting list and placed in an inactive list. The inactive list is maintained alphabetically by applicant's last name.

(b) All applicants are advised of the requirement to notify the Authority of any changes of address at the time of application. A waiting list update is done annually to ensure an accurate applicant pool. The update letter is mailed to the address supplied by the applicant and the applicant has to respond before a deadline. If no response is received, an inactivation letter is then sent. If no response is received to either letter, the applicant is removed from the waiting list. The returned paperwork is scanned into the system or a note is added in the computer showing why the person was removed from the waiting list. Should an applicant respond to the inactivation correspondence within thirty days from the date of the letter, then the application will be reactivated and they will be placed back on the waiting list as of their original application date. Otherwise, the family will need to reapply for assistance.

(c) If an applicant's failure to respond to HA requests for information or updates was caused by the applicant's disability, NHHFA will provide reasonable accommodation to the applicant to give the applicant an opportunity to respond. The applicant would be placed back on the waiting list as of their original application date. A person with disabilities is not restricted to the 14-day time limit stated above. Any requests for reasonable accommodation should be directed to the Director of Rental Assistance.

(d) The program rules do not allow a Mod Rehab participant to move during the first year of their lease. Should the participant's name reach the top of the waiting list during this time frame, NHHFA will allow them to retain their place on the waiting list as of the original application date if their application date is passed when pulling from the waiting list. After the completion of their initial 12 months, the participant will be contacted the next time names are pulled from the waiting list.

3.2 Closing the Waiting List

The Authority may, at its discretion, suspend the acceptance and processing of new applications should the list appear to require a wait of three or more years. A Legal Notice will be published notifying prospective applicants of the waiting list closure. Prospective applicants submitting applications who are otherwise eligible will be notified in writing of the waiting list closure.

3.3 Subsidy Standards

(a) Subsidy standards determine the family unit size. The family unit size is the number of bedrooms needed for families of different sizes and compositions and is used to determine the maximum subsidy the family may receive through the Housing Choice Voucher program.

(b) As a general policy, no more than two persons shall be required to share a bedroom. Subsidies will be issued based upon the smallest number of bedrooms needed to house the family without overcrowding. A child temporarily absent because of placement in foster care is considered in determining family size. A family that consists solely of a pregnant woman will be treated as a two-person family. Live-in aides are counted in determining unit size.

(c) NHHFA shall take into consideration reasonable accommodation requests when making decisions on a need for a different size unit. Requests for such consideration will be forwarded to the Supervisor of Rental Assistance.

Standards Used to Issue Voucher			Standards Used to Determine Acceptability of Unit Size (HQS Rules)	
Voucher Size	Minimum # of Persons in Household	Maximum # of Persons in Household	Unit Size	Maximum Occupancy Assuming a Living Room Is Used as a Living/Sleeping Area
0-BR	*Not issued*	*Not issued*	0-BR	2
1-BR	1	2	1-BR	4
2-BR	2	4	2-BR	6
3-BR	3	6	3-BR	8
4-BR	5	8	4-BR	10
5-BR	7	10	5-BR	12

3.4 Preferences

Preferences will be weighted in the following order:

1. Project-Based Voucher holders (Section 10.8 b and 3.6)
2. New Hampshire Housing will make available up to 50 vouchers for households impacted by major federally declared disasters designated by the Board of Directors who are Section 8 voucher holders or public housing residents in another jurisdiction. Once this need is met, households who are non-participants will be eligible for this preference.
3. Tenant whose rental assistance was terminated due to insufficient funds (Section 19)
4. The following will have equal weight: Terminally Ill, ACCESS preference, Transitional Housing, Family Break Up and Income Targeting
5. Homeless/At Risk

3.4.1 Singles Preference

Singles have equal status preference with all other applicants.

3.4.2 Terminal Illness

Households with a family member who has an illness that can be documented by a medical professional as being terminal will receive a preference. Terminal illness is defined as an illness that will result in death within 24 months.

3.4.3 ACCESS Preference- Accessing Community Choices for Everyone with Supportive Services

Households with a family member who are eligible for services through the Home and Community Based Medicaid Waiver Program, will receive a preference. A copy of the HCBC award letter or a signed verification from the family member's HCBC service provider will be required to receive this preference.

3.4.4 Transitional Housing

Transitional Housing programs which provide individual case management services, including service coordination and implementation of Transitional Housing case plans, will be given a preference.

3.4.5 Homeless

Homeless individuals and those at risk of becoming homeless will be given a preference. Homeless is defined using the HUD definition, specifically, those who lack a fixed, regular and adequate night time residence. At risk of becoming homeless is defined as someone who is paying more than 50% of their gross income for rent, is temporarily living with friends or

relatives due to an emergency or homeless situation or living in a substandard living situation or other temporary placement.

3.4.6 Family Break Up

Preference will be given to current program participants who as a result of domestic violence or other family break up, need to leave the residence and would not be eligible for subsidy because the remaining family member retains the voucher. The individual must meet all Housing Choice Voucher eligibility requirements. If both parties leave the residence, one party would receive the original voucher and the other would receive a preference for a voucher. To award an additional voucher there must be subsidy available at the time and the other qualified household member must have met all lease and program requirements, including having lived in the unit for 12 months before requesting the preference.

3.4.7 Income Targeting

In accordance with HUD's mandate to admit 75% of applicants at 30% of median income, NHHFA will give a preference to those applicants at or below 30% of median income when the admit percentage falls below an acceptable level (to be determined by calculating the point in time in the fiscal year and the projected number of admits for the time period remaining.) Applicants with incomes above 30% of area median will be placed back on the waiting list until the percentage of admissions reaches the acceptable level.

3.4.8 Project Based Vouchers

If funding is not available when a Project Based Voucher resident wishes to exercise the move option after one year at the property, the participant will be given a preference that is weighted above all others. The next available voucher must be given to that participant.

3.5 Special Voucher Allocations

A sublist will be maintained for applicants wishing to participate in a special program that is funded by a specific voucher allocation. Sublists will be maintained by date and time of application.

4. Marketing Process

(a) Applicants are notified of an available subsidy by written correspondence. This correspondence requires the applicant to call the Authority's toll free number within five business days from the date of the letter to confirm their interest in participating in the program. Failure of an applicant to call within this time period results in follow up correspondence advising the applicant that their application for assistance has been inactivated. Should an applicant respond to the inactivation correspondence within 14 calendar days from the date of the letter, then the application will be reactivated and they will be placed back on the waiting list as of their original application date. If the applicant responds after 14 days, they will need to reapply for assistance. If an applicant's failure to respond was caused by the applicant's disability, NHHFA will provide reasonable accommodation to the applicant and give the applicant an opportunity to respond. If there is subsidy available, the individual will be marketed; otherwise they will be placed back on the waiting list with their original application date. Any requests for reasonable accommodation should be directed to the Supervisor of Rental Assistance.

(b) Verification of information including household income, assets, medical, child care, and handicap expenses projected for the subsequent twelve month period is performed to ensure that families are eligible and selected according to the Administrative Plan. Preferences (if applicable) will be formally verified during this process. Each applicant is required to disclose and submit documentation to verify the complete and accurate Social Security number assigned to the applicant and to each member of the applicant's household who is at least six years of age or to sign a certification stating they have no number. A certification is signed attesting to citizenship status and documentation is requested regarding each household member's citizenship status or eligible immigration status.

(c) A letter is sent with these forms requesting a prompt response. If these forms are not returned to the Authority by the applicant within 10 calendar days as specified in the letter, a second letter is sent to the applicant explaining that if the Authority does not receive the signed verification forms within 10 calendar days, it will be assumed that the applicant is no longer interested in the program and their application will be inactivated in order for another household to be selected from our Waiting List. Should an applicant respond to the inactivation correspondence within 14 calendar days from the date of the letter, then the application will be reactivated and they will be placed back on the waiting list as of their original application date. If an applicant responds after 14 days, they will need to reapply for assistance. Any requests for reasonable accommodation should be directed to the Supervisor of Rental Assistance.

(d) The returned forms are forwarded to the third parties for completion. Verbal documentation, in person or by telephone, may also be used, and records of facts, date of contact, and source of information, will be attested to. Direct third-party verification (not handled by the applicant) provides the most reliable verification of the applicant's statements. If third party verification has not been returned within two weeks, other methods, including, but not limited to viewing pay stubs, bank statements and oral verifications will be obtained and filed. If a file has been prepared for initial issuance and more than 60 days has elapsed,

causing the information to be outdated, phone verifications will be used to verify if the information has changed since the third party verification was completed.

(e) The income and expenses allowed for each household are described by HUD through Federal regulations and no deviation from these will be permitted. Over-the-counter medical items will be verified by a medical professional. Mileage expenses for medical needs will be verified by the tenant. NHHFA will use the current IRS rate for mileage expenses as published in the IRS Publication 502. The IRS Publication 502 is also used as the standard for defining what qualifies as a medical expense.

(f) Acceptable documentation to verify Social Security number includes SSA benefit letters, SSA Form 1099's or other letters from the Social Security office which show the individual's Social Security number and third party verification from the Department of Health and Human Services in addition to those outlined in the HUD memorandum of Administrative instructions for implementing requirements for Applicants and Participants to disclose Social Security Numbers.

(g) Birth certificates will be obtained from applicants and participants to correctly identify eligibility for deductions and allowances. Acceptable alternative documents will be a valid driver's license, a valid passport, verification from the DHHS office which is based on copies of the birth certificates that are on file, copy of the TASS report, or a copy of the Social Security benefit award notice.

4.1 Child Custody

A dependent deduction and inclusion as a member of the household with regard to subsidy issuance size, dependent allowance and unit size will be given for households which can demonstrate the following custody arrangements:

Primary physical custody; or Shared equal physical custody of 50%.

4.2 Foster Children

Foster children are considered members of the household for occupancy standards, however they do not qualify for allowances or deductions except for child-care.

4.3 Single Pregnant Women

Single pregnant women are considered eligible for admission based upon the occupancy standards for a two-person household. NHHFA will consider unborn children for purposes of determining unit size and income limits as suggested in the HUD Handbook 4350.3;3-6. The dependent allowance is allowed after the birth of the child. A physician's certificate is required to verify the pregnancy prior to admission.

4.4 Assets Owned by an Applicant or Tenant

The cash value of the asset must be used in determining income from assets. The cash value is the amount the family would receive if the asset were converted to cash. Cash value is the fair market value of the asset minus reasonable costs to convert the asset to cash. It is acceptable to use a benchmark of 10% as opposed to verifying the estimated closing costs for each real estate transaction. To determine the cash value, take the fair market value and deduct 10% to determine the amount to be included as an asset.

Assets disposed of for less than fair market value within two years of the effective date of the certification or recertification are considered to be disposed of for less than fair market value if the cash value of the disposed asset exceeds the gross amount the family received by more than $1,000. NHHFA will use $1,000 as the minimum threshold as suggested in the 4350.3. Therefore, when the difference between the cash value and the amount the family received is less than $1,000, we will not count the amount as income.

4.5 Minimum Rent

The Housing Authority sets its minimum rent at $0. The minimum rent is a minimum total tenant payment. Exemptions will be granted if a determination is made that the family is unable to pay the amount due to financial hardship. Financial hardship includes circumstances in which families:

(a) have lost eligibility or are awaiting an eligibility determination for a federal, state or local assistance program, including a family having a non-citizen 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) would be evicted as a result of imposing the minimum rent requirement as evidenced by an eviction notice or demand for rent;

(c) experience income decreases because of changed circumstances including the loss of employment; or

(d) have a death in the family.

If a family requests a hardship exception, NHHFA will suspend the minimum rent charge and adjust the HAP payment effective on the first of the month following the change in the family's circumstances. Documentation of the hardship will be requested and a determination of whether the hardship is temporary or long term will be made.

If the hardship is determined to be temporary, the minimum rent is suspended for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent is reinstated retroactively to the date of suspension. NHHFA will offer to execute a reasonable repayment agreement to cover the minimum rent charges accumulated during the suspension period. Hardship determinations are subject to NHHFA's informal hearing process.

If the hardship is determined to be long-term, the family is exempted from the minimum rent from the date the suspension was originally granted until such time as a hardship no longer exists.

4.6 Adding Household Member

NHHFA will use the same standard for determining eligibility for someone adding a household member as it does for initial tenant selection. The tenant is required to first seek owner approval and then NHHFA approval. Additions to the household, other than births, adoptions, or court awarded custody, require the family to request approval by NHHFA prior to permitting anyone not on the lease to occupy the unit. When adding a household member over the age of 18, a criminal record report is required. The new household member is not eligible for assistance until the report has been received, reviewed and approved.

4.7 Live-in Aide/Attendant

(a) A Live-in Aide/Attendant is a person who lives with an elderly participant or a participant with a disability and who meets all of the following criteria: (A relative may be considered a live-in aide/attendant, however they must meet the specified criteria, especially the last.

1) Is determined to be essential to the individual's care and well-being;

2) Is not obligated for the individual's support; and

3) Would not be living in the unit except to provide necessary support services.

(b) Required documentation for approval of a live-in aide/attendant is as follows:

1) A written statement from a physician or health care professional for the household member requesting the live-in aide/attendant verifying the need of the service;

2) A written statement from the live-in aide/attendant verifying they meet the stated criteria as a live-in aide/attendant; and

3) Completion of the Live-In Aide Declaration Form.

(c) The live in aide qualifies for occupancy in the unit only as long as the individual needing supportive services also lives in the unit. The live-in aide does not qualify for continued occupancy as a remaining family member. The program participant and the live-in aide must sign an addendum to the lease outlining the live-in aide restrictions.

In addition, the landlord and NHHFA must approve the live-in aide. NHHFA will have the live-in aide complete the Live-in Aide Personal Declaration form and will consider the information provided there in determining eligibility for the status of live-in aide. If further information is needed, it will be requested from the individual. NHHFA will consider all eligibility requirements used for applicants when approving live-in aides and will use the same standard that is used to approve applicants.

(d) At any time, NHHFA may refuse to approve a particular person as a live-in aide, or may withdraw such approval, if:

1) the person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

2) the person commits drug-related criminal activity or violent criminal activity; or

3) the person currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

(e) The live-in aide's family members may also reside in the unit provided doing so does not increase the subsidy by the cost of an additional bedroom and further provided that the presence of the live-in aide's family members do not overcrowd the unit.

5. Subsidy Issuance and Briefings

5.1 Term of Voucher

(a) Vouchers will be issued for an initial term of 60 days and may be extended at the request of the household and concurrence of the appropriate Rental Assistance Manager, for up to two additional 30-day periods.

(b) Extensions of vouchers will be granted on an individual basis, assessed by the Rental Assistance Manager through contact made by the tenant with their Rental Assistance Manager regarding their progress in leasing a unit during the initial 60-day period.

Factors which will be considered by the Rental Assistance Manager include the following:

1) Extenuating circumstances of the family such as death or illness, which prevented the family from finding a unit.

2) Previous submissions of Request for Tenancy Approvals which were disapproved.

3) Family size or other special requirements which made it difficult to find a unit.

4) Evidence of serious attempt made to secure housing in the form of a list of landlords contacted during the search time.

(c) Requests for extensions beyond 120 days must be made in writing to the Supervisor of Rental Assistance. Individuals with disabilities will be allowed up to an additional 90 days, based on the particular situation and circumstances as explained to the Supervisor of Rental Assistance. The Supervisor will assess the request using the HUD guidelines for evaluating requests for reasonable accommodation.

(d) Other individuals who are not disabled either by HUD's definition or by the 504 regulations, will be allowed up to a maximum of 60 days additional time, assessed under the same guidelines for extensions before the 120 days. The Rental Assistance Manager will forward the request to the Supervisor of Rental Assistance with their recommendation based on the guidelines for extensions. Rental Assistance Managers assess all requests for extensions between 60 and 120 days. The Supervisor of Rental Assistance assesses all requests from 121-210 days. Should the voucher expire and the household has been unsuccessful in locating a unit, the file will be inactivated as of the expiration date. If the household requests to go back on the waiting list, the application date will be entered as the date the voucher expired.

5.2 Helping Families Facing Discrimination

A family that claims that illegal discrimination has prevented them from leasing a unit will be referred to HUD or New Hampshire Legal Assistance and will be directed to fill out the

Discrimination Form in their briefing packet and to mail it to HUD. If the person is not a voucher holder from NHHFA, they will be referred to HUD or New Hampshire Legal Assistance and a Discrimination Form will be sent.

5.3 Families Wishing to Move

Families wishing to move, but not required to move, may receive a transfer voucher to "shop for a new unit." The Authority will limit the number of "at will" moves from one apartment to another for Voucher households to one per 12-month period. If a household has good cause for moving, then a request may be submitted to the Supervisor of Rental Assistance for review and approval.

5.4 Continuously Assisted Time Frame

NHHFA will not consider any break in assistance when determining eligibility for receipt of a transfer voucher. It is NHHFA's policy to issue a transfer voucher when payment is stopped for HQS violations and the family has 60 days to locate a new unit. The family may be eligible for extensions in accordance with Section 5.1 and they may be eligible to suspend the voucher in accordance with Section 5.5. Those transferring from project-based assistance to tenant-based assistance will not be allowed to have a gap in assistance and still be considered eligible under the definition of Continuously Assisted under the 1937 Housing Act.

5.5 Suspension of Voucher Term

(a) NHHFA will only accept one Request for Tenancy Approval (RFTA) at a time. When a household submits a Request for Tenancy Approval during the term of the voucher, NHHFA will allow suspension of the voucher as defined in the regulations. Suspension is defined as stopping the clock on the term of a family's voucher, for such period as determined by the Housing Authority, from the time when the family submits a request for Housing Authority approval to lease a unit, until the time when the Housing Authority approves or denies the request.

(b) NHHFA will grant suspensions to allow for repairs that were identified at inspection to allow the leasing of a unit.

(c) There will be a 60-day maximum suspension. If NHHFA is unable to approve the unit within 60 days from the date of suspension, the family must look for another unit. On the 61st day the clock would begin again and the remaining time of the voucher term would be calculated.

(d) If NHHFA denies a unit under suspension, the family will be allowed to continue looking for a unit. The clock will begin on the date of denial and the family will receive additional time equaling the total time of the suspension.

(e) NHHFA will also allow suspensions as reasonable accommodation for a family with a disabled family member to allow the family equal access to housing opportunities.

6. Program Eligibility

6.1 Family Obligations; Denial and Termination of Assistance

(a) A program participant who fails to comply with the requirements outlined below will be found ineligible for program participation. The computer designation for that infraction is IFC or Ineligible for Failure to Comply. NHHFA will not approve a Request for Tenancy Approval for anyone with the IFC designation for 12 months following the determination of ineligibility. If the waiting list length is less than 12 months, the applicant would not be eligible to receive subsidy until the 12 months had elapsed.

Ineligible: Failure to Comply

24 CFR: 982.551(b)(1)	Family fails to supply any information that the PHA or HUD determines necessary in the administration of the program, including submission of citizenship or eligible immigration status.
982.551(b)(2)	Family fails to supply any information requested the PHA or HUD for use in a regularly scheduled reexamination or interim examination of family income and composition.
982.551(b)(3)	Family failed to disclose and verify social security numbers.
982.551(b)(4)	Family did not supply true and complete information.
982.551(c)	Family caused HQS breach as described in 982.404 (b).
982.551(d)	Family did not allow PHA to inspect the unit at reasonable times and after reasonable notice.
982.551(e) [refer to 6.1(d)]	Family committed serious or repeated violations of the lease.
982.551(f)	Family did not notify the PHA and the owner before they moved out of the unit or terminated the lease on notice to the owner.
982.551(h)(1)	Family did not use the assisted unit as residence and as their only residence.
982.551(h)(2)	Family did not obtain PHA approval for the composition of the assisted family residing in the unit. Family failed to inform the PHA of the birth, adoption or court-awarded custody of a child. Family failed to request PHA approval to add any other family member as an occupant of the unit. Family did not comply with the requirement that no other person may reside in the unit except as allowed in paragraph (h)(4).
982.551(h)(3)	Family failed to notify PHA promptly if any family member no longer resided in the unit.
982.551(h)(6)	Family subleased or let the unit.
982.551(h)(7)	Family assigned the lease or transferred the unit.
982.551(i)	Family did not supply 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. Family failed to promptly notify the PHA of absence from the unit.
982.551(j)	Family owned or had interest in the unit.
982.551(k)	Family committed fraud, bribery or other corrupt or criminal acts in connection with the program.
982.551(l)	Members of the household engaged in drug-related criminal activity or violent

	criminal activity or other criminal activity which threatened the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
982.551(m)	Members of the household abused alcohol in a way that threatened the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
982.551(n)	An assisted family received Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit under a duplicative federal, State or local housing assistance program.
982.552(b)(2) [refer to 6.1(d)]	Family was evicted from housing assisted under the program for serious violation of the lease.
982.552(c)(viii)	Family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
982.552(c)(x)	Family in the Welfare to Work program willfully and persistently fails to fulfill its obligations under the welfare-to-work voucher program.

(b) A program participant who fails to comply with the requirements outlined below will be found ineligible for program participation. The computer designation for that infraction is IDB or Ineligible/Debarred. NHHFA will not consider a Request for Tenancy Approval for anyone with the IDB designation at anytime in the future unless the default has been corrected.

Ineligible: Debarred

24 CFR: 982.552(b)(3)	Any member of the family failed to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F. (Social Security and Income/Assets)
982.552(b)(4)	Family did not submit required evidence of citizenship or eligible immigration status.
982.552(c)(iii)	Any member of the family had their voucher assistance terminated by a PHA. (The grounds for termination will be reviewed using NHHFA's Admin Plan to determine final eligibility.)
982.552(c)(iv)	Any member of the family committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
982.552(c)(v)	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.
982.552(c)(vi)	Family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
982.552(c)(vii)	Family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
982.552(c)(ix)	Family has engaged in or threatened abusive or violent behavior toward PHA personnel.

(c) Other reasons for denial or termination:

24 CFR: 982.552(c)(xi) [refer to 6.2-6.6]	Family engaged in criminal activity or alcohol abuse as described in 982.553.
982.553(a)(1)(i)	For three years from the date of eviction from federally assisted housing for drug-related criminal activity, applicant will be denied unless they have successfully completed a supervised drug rehabilitation program approved by the PHA; or if the circumstances leading to eviction no longer exist because the criminal household member has died or is imprisoned.
982.553(a)(ii)(A) [refer to 6.3]	The PHA must establish standards for denial if any household member is currently engaged in illegal use of a drug or if the PHA determines that it has reasonable cause to believe that a household member's illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, or if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
982.553(a)(2) [refer to 6.7]	The PHA must establish standards to 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.
982.553(a)(1)(ii) [refer to 6.2-6.5]	The PHA may prohibit admission of a household to the program if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission; drug-related criminal activity, violent criminal activity, other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.

(d) NHHFA will deny admission or terminate assistance to a family who committed a serious violation of the lease 982.551 (e) or was evicted from housing assisted under the program for a serious violation of the lease 982.552 (b)(2). A serious or repeated violation of the lease is defined as follows:

1) As evidenced by the owner's report of disposition of security deposit in accordance with New Hampshire State law, a participant who causes total damage, regardless of security deposit, in excess of $1,000 to the unit during their tenancy and does not make arrangements with the owner for payment; or

2) As evidenced by the owner's report of disposition of security deposit in accordance with New Hampshire State law, a participant who owes more than three months of their portion to the owner and does not make arrangements with the owner for payment; or

3) A court determines that the tenant has committed serious violations of the lease as stated in the court documents.

(e) NHHFA will deny admission or terminate assistance for all conditions outlined under 24 CFR 982.552 except 982.552 (c)(1)(ii) (if any member of the family has been evicted from federally assisted housing if that eviction happened within five years.)

(f) The Authority will, at its discretion, allow monthly payback agreements for amounts owed to NHHFA and other PHAs. The minimum monthly payment amount must be in accordance with the repayment schedule described in Section 15, and one payment must have been received by the Authority prior to an application being approved.

6.2 Drug Related Criminal Activity, Violent Criminal Activity and Other Criminal Activity

Family obligations under the Voucher program prohibit the household and their guests from engaging in any drug-related criminal activity, violent criminal activity or other criminal activity by any household member. Violation of this obligation will result in a termination or denial of rental assistance in accordance with 982.552(c)(1).

6.3 Definition of Drug Related Criminal Activity

Drug-Related Criminal Activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug (as defined in section 102 of the Controlled Substance Act 21 U.S.C. 802. [CFR Part 5.100]

6.3.1 Use or Possession of a Controlled Substance

Applicants or participants can be denied or terminated for the use or possession of a controlled substance, if such use or possession, as evidenced by arrest, occurred within one year from the date that NHHFA provides notice to deny or terminate. Denial or termination is not allowed if the household member can provide documentation that:

1) the household member has addiction to a controlled substance, has a record of such impairment, or is regarded as having such an impairment; <u>and</u>

2) he/she has entered a drug treatment program to recover from such addiction and does not currently possess or use a controlled substance.

6.3.2 Manufacture or Sale of a Controlled Substance

(a) An applicant or participant will be denied or terminated if the drug related criminal activity included the intent to manufacture, sell or distribute a controlled substance within the past seven years of the notice to deny or terminate.

(b) For applicants, the Authority may, in its sole discretion, waive the prohibition on participation by a person who has participated in a drug related criminal act if there has not been any drug related criminal activity in the three years prior to application for assistance and either of the following two conditions are met:

   1) The applicant can demonstrate by a preponderance of the evidence that the drug related criminal act was an isolated incident and there is no pattern of drug related behavior; or

2) The applicant is under parole or probation supervision and the relevant parole or probation authority requests that the applicant be provided assistance as a part of that rehabilitation/supervision program.

(c) The Authority will review whether the household's record of drug related criminal behavior poses a direct threat to other tenants and in considering requests for reasonable accommodation, will consider whether there is a link between the disability and the criminal behavior. If the Authority determines that there is a link between the disability and the criminal behavior, it will look at whether or not the behavior is now under control, by medication or some other method.

(d) A household will be denied admission to the program if any household member was ever convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

6.4 Definition of Other Criminal Activity

Other Criminal Activity is any criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontract or agent).

6.5 Definition of Violent Criminal Activity

(a) Violent Criminal Activity is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage including but not limited to murder, manslaughter, assault and battery, rape, robbery, arson and kidnapping. Simple assault by itself is not included as a violent criminal act under this section. [CFR Part 5.100].

(b) In accordance with Violence Against Women Act (VAWA) if there is domestic violence, dating violence, sexual assault or stalking incident which is against the applicant, tenant or an immediate family member, program assistance will not be terminated solely upon that fact. The HUD certification or documents that may be provided in lieu of the certification as specified on the HUD certification will be used to complete the assessment of Housing Authority action.

(c) An applicant or participant will be denied or terminated if NHHFA determines, based on the information provided in criminal record report, that the household member has engaged in a violent criminal act within a seven-year period prior to the notice to deny or terminate regardless of whether the household member has been convicted for such activity.

(d) For applicants, the Authority may, in its sole discretion, waive the prohibition on participation by a person who has participated in a violent criminal act if there has not been any violent criminal activity in the three years prior to application for assistance and either of the following two conditions is met:

1) The applicant can demonstrate by a copy of their criminal record report that the violent criminal act was an isolated incident and there is no pattern of violent criminal behavior; or

2) The applicant is under parole or probation supervision and the relevant parole or probation authority requests that the applicant be provided assistance as a part of that rehabilitation/supervision program.

The Authority will review whether the applicant's record of violent behavior poses a direct threat to other tenants and in considering requests for reasonable accommodation will consider whether there is a link between the disability and the violence. If the Authority determines that there is a link between the disability and the violence, it will look at whether or not the behavior is now under control, by medication or some other method.

6.6 Alcohol Abuse

An applicant or participant will be denied or terminated if NHHFA has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. NHHFA will consider the abuse of alcohol to be a pattern if there are four or more incidents within 12 months involving law enforcement response to calls for disturbance. NHHFA will consider mitigating circumstances when making decision on this policy. These circumstances will include evidence that the family has participated in and been certified to have completed an alcohol rehabilitation program.

The Authority will review whether the applicant or participant's record of alcohol abuse poses a direct threat to other tenants and in considering requests for reasonable accommodation will consider whether there is a link between the disability and the alcohol abuse. If the Authority determines that there is a link between the disability and the alcohol abuse, it will look at whether or not the behavior is now under control.

6.7 Sex Offenders

A household will be denied admission if any member of the household is subject to a lifetime registration requirement under the State sex offender registration program. NHHFA will use the sex offender registration available on the Internet to screen for this mandatory prohibition.

Additional screening is conducted at each household's recertification using the national sex offender database. For any household admitted after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registrations requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, NHHFA will pursue termination of assistance.

6.8 Criminal Records Reports

Criminal reports will be obtained for individuals 18 and over for individuals in the following groups:

- All applicant families as part of the eligibility verification at the time of selection from the waiting list.
- New program participants being added to a household already assisted in the program.
- Individuals porting in from another housing authority if the initial housing authority does not provide certification that a criminal record report has been obtained and approved for the family. (The approval of a unit will not be delayed for the check to be completed, however, the Rental Assistance Manager must inform the owner in writing of the consequences of an unacceptable criminal report prior to entering into a HAP contract.)

The information in the report will be compared to the requirements listed in the Admin Plan for criminal activity, violent criminal activity and drug related criminal activity. Additional evidence as provided by the police and court system will be obtained as necessary.

A family member's refusal to give signed consent for the criminal record check is cause for denial or termination of assistance. If the head of household refuses to sign the consent form, the entire family will be denied assistance or terminated from the program. If a member other than the head of household refuses, the remainder of the family may be assisted provided that the head agrees that such member will not reside in the assisted household.

A criminal record report may be requested at any time if the Rental Assistance Manager becomes aware of a possible criminal offense necessitating confirmation through a criminal check.

Unless the criminal record report is used to deny or terminate assistance it must be destroyed by the Rental Assistance Manager. If the report is used to deny or terminate the report must be kept under lock with limited access to staff responsible for eligibility verification. At the end of the appeal process, the report must be destroyed. If no appeal is filed, the report is to be destroyed when the appeal period lapses. If the family appeals after that time, a new report will have to be obtained.

If termination is proposed based on the criminal record report, NHHFA must notify the household of the proposed action and must provide a copy of the record to the tenant and give the family an opportunity to dispute the accuracy and relevance of that record.

6.9 Access to Criminal Records and Information

In accordance with 24 CFR Part 5.903, owners of assisted housing may request that the PHA in the jurisdiction of the property obtain criminal conviction records of an adult household member from a law enforcement agency. HUD permits the PHA to charge the owner reasonable fees for making the request on behalf of the owner and taking other actions for the owner. NHHFA's required processing fee is $275.00, which includes reimbursement of any fees charged by the law enforcement agency and related staff and administrative costs.

6.10 Student Eligibility Requirements

(a) No assistance will be provided to any individual who:

1) is enrolled as a full- or part-time student at an institution of higher education as defined under Section 102 of the Higher Education Act of 1965 (20 U.S.C 1002);

2) is under 24 years of age;
3) is not a veteran of the United States military;

4) is unmarried;

5) does not have a dependent child, and

5) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive Section 8 assistance.

(b) This rule does not apply to students who live with their parents in a Section 8 assisted unit, or live with their parents who are applying to receive Section 8 assistance. The rule applies only to students seeking or receiving Section 8 rental assistance separately from their parents.

(c) Any financial assistance in excess of the amounts received for tuition that an individual receives under the Higher Education Act of 1965 from private sources or from an institution of higher education shall be counted as income unless the person is over the age of 23 with dependent children. Financial assistance does not include loans. Parental contributions must be included in this calculation. If the student's financial assistance in excess of tuition exceeds the applicable income limit, then the student is ineligible to receive assistance. The student must meet the low income limit of the area in which he/she resides.

(d) If a student's income meets the income eligibility requirement, a determination of the parental income eligibility for those students that are under the age of 24, unmarried, non-veteran, and have no dependent children will be obtained. If a student's parents live together, then a joint certification of income will be obtained. If the parent is widowed or single, then the certification will be obtained from that parent. If the parents are divorced, then the certification will be obtained from the parent that the student has lived with for the last 12 months. If the student lived with each parent for six months, then a certification will be submitted by the parent that provided the most assistance during the last 12 months.

(e) A person who is under the age of 24 and meets the student eligibility criteria may be income eligible for assistance in circumstances where an examination of the parents may not be relevant or where the student can demonstrate the absence of parents or independence from parents. HUD has established some criteria that must be met to be exempt from the parental income test. The criteria include, but are not limited to, the following:

1) The student must be of legal contract age per state law,

2) The student must have established a separate household for at least one year prior to application or must meet the Department of Education's definition of an independent

student, and

3) The student must not be claimed as a tax dependent.

In addition to the above criteria, the student must obtain parental certification of the amount of support that will be provided even if the amount is zero.

The Department of Education considers a person to be an independent student if he or she meets one or more of the following criteria:

1) He/she is at least 24 years old,
2) He/she is an orphan or ward of the court through age 18,
3) He/she is a veteran,
4) He/she has a legal dependent other than spouse,
5) He/she is a graduate or professional student, and
6) He/she is married.

(f) Verification of the student's independence must be obtained to establish that the person is qualified for the exemption. Verification policies will include verification of previous address to determine whether a student established a separate household for at least one year prior to application or verification that the student meets the Department of Education's definition of independent student, a review of the parents' prior year tax returns, and written certification of income provided by parents including certification of no support or financial assistance from persons not living in the unit. NHHFA will accept from a parent a declaration and certification of income which includes a penalty of perjury. NHHFA retains the right to request and review supporting documentation at any time that we determine that the declaration, certification, and eligibility of the parent is in question. Supporting documentation may include but is not limited to Internal Revenue Service tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, Temporary Assistance to Needy Families (TANF) award letter, Social Security Administration (SSA) award letter, and other official and authentic documents from a federal, state, or local agency.

(g) A student currently receiving Section 8 assistance may be affected by this new law. NHHFA will verify eligibility at each student's regularly scheduled annual recertification.

(h) Termination of assistance only applies to students under the age of 24 who are unmarried, non-veterans, have no dependent children, and do not reside with their parents except those students considered independent. A student may also be determined ineligible at reexamination if he or she does not live with parents or his/her income including student financial aid exceeds the applicable limit. Students who are under 24 may also be determined ineligible if the income of their parent exceeds the applicable limit.

(i) Any member of a household comprised of both eligible and ineligible students who is

determined ineligible to receive Section 8 assistance will be terminated and ineligible to receive continued assistance under the voucher program. However, assistance for eligible students in the household shall not be terminated. The remaining eligible students will be given a voucher to move with continued assistance or permitted to lease in place if the ineligible student moves out of the unit.

7. Owner Briefings

(a) An owner handbook is provided to each prospective participant owner, which outlines the Section 8 program and their responsibilities. Included in this information is the role of the owner, NHHFA and the family, as well as lease and contract information, and inspection criteria.

Owner Notices:

1) An owner must notify NHHFA of any changes in the amount of rent to the owner at least 60 days before any changes go into effect.

2) An owner must notify NHHFA of any changes in the lease at least 60 days before any changes go into effect.

3) An owner must notify the tenant in writing at least 30 days in advance of any changes in the rent to owner or changes in the lease in accordance with State law.

(b) NHHFA policy is to provide prospective owners with the family's current address, current landlord's name and address and the name and address of previous owners, when requested. No other information regarding the family's tenancy will be disclosed.

(c) Owners may be disqualified from participating in the Section 8 Rental Assistance Program for any of the reasons found in 24 CFR 982.306. Those reasons are:

1) The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C.1437f);

2) The owner has committed fraud, bribery or any other corrupt or criminal act in connections with any federal housing program;

3) The owner has engaged in any drug-related criminal activity or any violent criminal activity;

4) 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;

5) 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 engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

(a) threatens the right to peaceful enjoyment of the premises by other residents:

(b) threatens the health or safety of other residents, or employees of New Hampshire Housing, or of owner employees or other persons engaged in management of the housing;

(c) 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

(d) is drug-related criminal activity or violent criminal activity; or

6) The owner has a history or practice of renting units that fail to meet State or local housing codes; or

7) The owner has not paid State or local real estate taxes, fines or assessments.

(d) NHHFA will also disapprove an owner if the owner owes NHHFA for overpayments of Housing Assistance and has not made arrangement to pay back the money.

(e) Owner Disapproval Appeal Process:

1) If NHHFA denies an owner participation in the Housing Choice Voucher Program the owner must be given notice of the decision in writing.

2) The notice must contain a brief statement of the reasons for the decision and how to request any appeal.

3) An appeal must be requested in writing to the Managing Director of Assisted Housing within 10 calendar days of the denial.

4) The appeal will be conducted by an employee of the Authority or other qualified person designated by NHHFA. The person conducting the appeal will not be the person who made the decision or a subordinate of that person.

5) The owner will have the opportunity to present objections to the decision in the manner prescribed by NHHFA. All objections must be received within 14 days from the notice of appeal.

Judgment will be based on:

a. whether the Authority has correctly followed the 24 CFR pertaining to the situation, specifically 24 CFR 982.306;

b. whether the Authority followed the Administrative Plan policies in Chapter 7.

- If the person conducting the appeal finds that the decision was correct, the denial is upheld.
- If the person conducting the appeal finds that the decision did not did not follow regulation or policy, the denial is reversed and the process for approval may continue.

8. Physical Inspections

The time frame from receipt of the request for tenancy to inspection should be less than 10 working days. Every effort will be made to inspect quickly to allow for full use of the program. The Authority uses the Housing Quality Standards in the Federal regulations (24 CFR 982.401). The National Fire Protection Association Standard (NFPA) for smoke detectors and overall fire protection and safety is used as inspection criteria. The inspections are performed by the Rental Assistance Manager using the Inspection Checklist developed by HUD. The report is signed by the inspector and by the tenant whenever possible.

8.1 Reinspection of Units under Contract

(a) The Rental Assistance Manager is required to perform an annual physical inspection. Whenever feasible, the Rental Assistance Manager will inform the tenant in writing at least 7-10 calendar days in advance of the inspection. For staff safety as well as liability purposes, a representative of the owner or participant over the age of 18 must be present for the inspection. If a staff member feels uncomfortable for whatever reason, they should leave the unit immediately and call their supervisor.

(b) Program participants will be given two separate opportunities to make arrangements for their unit to be inspected by the Rental Assistance Manager. After the first failed attempt at inspection, the Rental Assistance Manager will send the tenant a written warning informing the tenant that they will be given one more opportunity for inspection. After the second unsuccessful attempt, the Rental Assistance Manager will terminate the participant's rental assistance. Exceptions for extenuating circumstances can be made by the Rental Assistance Manager due to the client’s hospitalization, need for reasonable accommodation or due to an acceptable need to re-schedule. However, every attempt will be made to hold the clients to a time frame when re-scheduling to ensure compliance with inspection deadlines.

(c) If the Rental Assistance Manager determines that there are fail items that require attention, the owner is sent an inspection report noting the Fail or Pass with Comment item(s). A copy of the inspection report is also sent to the tenant. If a unit has failed the inspection, the Rental Assistance Manager requests that the owner bring the particular item into compliance within 30 days of notification. When the Rental Assistance Manager is notified that the fail items have been corrected, verification or documentation that the fail items have been corrected is obtained for all fail items. If the item or items that fail are considered a “life threatening fail”, such as lack of heat according to N.H. State law or a life threatening situation with the heating system or structural system, whether it be electrical, physical or utilities, the item must be repaired within 24 hours. If the life threatening fail item is not corrected within 24 hours, the monitor will notify the health officer or other town official responsible for health concerns when necessary. If an owner refuses to remedy any failed item or has not accomplished that remedy within 30 days for routine fail items and 24 hours for life threatening fail items, the Rental Assistance Manager must notify both tenant and owner that the Authority will abate the HAP. That means that payment will not be made for any time that the unit is not in compliance with the Housing Quality Standards. The Rental Assistance Manager will evaluate whether a schedule of repairs can be accepted for the fail items. If so, the Rental Assistance Manager follows up with the supervisor if repairs have

not been completed after 30 days. Payment should not continue beyond 90 days after receipt of a schedule of repairs. If the owner still has not completed the repairs within two weeks of the notice of abatement, and those fails are of a serious nature, the Rental Assistance Manager prepares a termination letter for signature by the Director of Rental Assistance. The notice must specify the date of contract cancellation and when HAP payments will be terminated. The Rental Assistance Manager will issue the tenant a Transfer Voucher. Should the owner elect to remedy the fail items after HAP payment termination notification, the HAP will be abated until a re-inspection confirms the repairs are completed.

(d) At the inspection the Rental Assistance Manager must determine if the fail item was caused by the tenant. If the fail item or damage beyond normal wear and tear caused a fail item and it is determined that the tenant is responsible, the tenant has the same time constraints as the owner for repairing the item. If it is a "life threatening fail", they must remedy the fail item within 24 hours. If it is a routine fail, they must repair it within 30 days. The repair(s) must be made by the tenant returning the item to its original condition or having the owner repair the item and bill the tenant. Payment arrangements for repairs billed to the tenant are an issue between owner and tenant. However, failure to follow through on the payment agreement would be considered grounds for termination. Furthermore, if the tenant is in a pre-October 95 contract and the owner can file a claim with NHHFA, the tenant would have to reimburse NHHFA for any money paid to the owner. If the tenant does not reimburse NHHFA, their assistance would be terminated. If the tenant fails to remedy the fail item in the prescribed time frame, the Rental Assistance Manager will terminate their assistance with at least a 30-day notice. The tenant is not eligible for a transfer voucher. The tenant may reapply but no request for lease approval will be approved within 12 months from the determination of ineligibility due to failure to comply with the Statement of Family Responsibility.

9. Rent Reasonableness Methodology

(a) Rent reasonableness must be determined in all of the following instances:

1) Before entering into a HAP contract. A HAP contract cannot be executed until the file has been documented that the rent to be charged is reasonable.

2) Before any increase in the rent to owner. A rent increase cannot be approved until the proposed rent is determined reasonable.

3) At any time the PHA determines it is necessary. At all times during the assisted tenancy, the rent to the owner may not exceed the most recently determined or re-determined reasonable rent amount.

4) If there is a 5% decrease in the published FMR in effect 60 days before the contract anniversary.

5) If directed by HUD.

To ensure that the rent reasonableness test is done at these times, the computer system is set up to require completion of the rent reasonableness form when completing those actions.

(b) NHHFA's Office of Policy, Planning and Communications will survey the State, collecting data on unassisted units and will publish the Rent Survey. In addition, the Office of Policy, Planning and Communications will also coordinate a survey of a small sample of the State, collecting data on unassisted units consisting of information on location, size, quality, amenities, services, unit type, age of contract unit, maintenance and utilities to be provided by the owner. Points will be used to categorize the units and a dollar spread will be assigned to the point spread. Each county and MSA and bedroom size will then be adjusted by the percentage calculated by the Office of Policy, Planning and Communications**,** based on the Rent Survey of the entire State. The Rental Assistance Manager will then complete a rent reasonable checklist at inspection, (see form below) assigning points for the comparison criteria. A rent will be determined reasonable if it falls within the Point/Rent range established by the Office of Policy, Planning and Communication. If the rent requested falls within the range and supports the correlation of lower points values supporting lower rental amounts and higher points values supporting higher rental amounts, the unit can be approved. If it does not, the owner will have to lower the rent or the unit will be rejected. If the unit is accepted, the Rental Assistance Manager will place their completed checklist in the file showing the total points earned and the approved range. If a unit falls within the established point system but the Rental Assistance Manager feels the rent is too high compared to current market rents for the area, they may also use the Rent Survey, published annually by the Office of Policy, Planning and Communications to support their finding. The Rental Assistance Manager can request that the owner supply rent comparability information if determined to be needed for a particular area.

(c) The point value assigned to the nine criteria and how to assess them, are explained below, with defining information to assist staff in remaining consistent. Location, quality, size, housing type, age of unit, accessibility for persons with disabilities, amenities provided by

the owner, facilities supplied by owner, and maintenance and management services provided by owner are all to be evaluated using the descriptions. A form is also provided to gather the information at inspection.

Rent reasonable factor	Description			Assigning Points
1. Location				**Point spread:** Number of businesses present will make points go up or down
* Residential neighborhood	Primarily homes with no more than one or two small neighborhood convenience stores, schools but generally not businesses present.			**15-30**
* Rural neighborhood	More than 5 miles to a town or city or sparsely populated neighborhood.			**10-25**
* Mixed residential & Commercial neighborhood	Homes mixed in with businesses or city dwellings or businesses close by			**10-20**
*Commercial/Industrial neighborhood	Main street of city with businesses, industries or factories			**0-10**
Accessibility to services				
* Close to services	Services such as stores, hospitals, pharmacies, other businesses are close by, within a few miles, possibly serviced by public transportation			**Point spread:** *__10__ take bus/drive *__20__ within walking distance
* Not close to services	More than 5 miles from stores, hospitals, pharmacies, other businesses and there is no public transportation			**0-10**
2. Unit Size	***Small***	***Medium***	***Large***	**Point spread:** Higher square footage within the bedroom sizes gets higher points
	Points: 5-20	20-40	40-60	
* Efficiency	Up to 400 sq ft	400-600 sq ft	Over 600 sq ft	
* One-bedroom	Up to 600 sq ft	600-950 sq ft	Over 950 sq ft	
*Two-bedroom	Up to 800 sq ft	800-1200 sq ft	Over 1200 sq ft	
* Three-bedroom	Up to 1000 sq ft	1000-1400 sq ft	Over 1400 sq ft	
*4+bedroom	Up to 1200 sq ft	1200-1600 sq ft	Over 1600 sq ft	
3. Unit Type				**Point spread:** Compare overall presentation of property
Indicate the type as found at inspection.	Take into account differences from town to town			
	Single family			**40-60**
	Duplex/Town house			**30-50**
	Three family			**20-40**
	Walk-up or small apt building			**20-40**
	Large Apt Building/Garden Apt			**20-40**
	High Rise building			**20-40**
	Mobile home			**10-20**
4. Quality				**Point spread:** Base on number of extras or lack thereof
* Fair quality	Meets minimum HQS – shabby vs. updated, no frills, no extras, no screens.			**0-5**

* Average quality	Generally exceeds minimum HQS – a few extras, better condition of wallpaper or paint, locks on windows that are combination windows, screens.	**5-15**
* Good quality	Greatly exceeds minimum HQS – all items exceed the minimum, wall covering, carpet and other items updated.	**15-30**
5. Age		**Point spread:** Within the age range, choose points to match; for example, 5-20 years: a 5 year old property would get 20 points and vice versa.
Check age on the RFTA		
6. Accessibility to Person with Disabilities		**No point spread, set number of points**
* Unit is designed for handicapped occupancy	Wider doors, kitchen set up for handicapped use, sink access, lower countertops, chair lift, roll in shower, grab bars, or ramp.	**20**
* Unit is handicapped accessible	Few if any stairs, ramp, wide doors or elevator.	**10**
* Unit is not handicapped accessible	Stairs, no access for handicapped individual, no elevator.	**0**
7. Amenities		**Point spread:** Rate quality of the amenity.
Indicate those found at inspection and rate the quality of the item by choosing in the point range	Choose from the list and rate the quality or size.	
8. Facilities		**Point spread:** Judge amount or quality of facility.
Indicate if found upon inspection	Indicate presence of laundry, parking, playground, swimming pool, community building.	Number of parking spaces, quality of playground, pool and community buildings.
9. Management & Maintenance		**Point spread:** Use the questions below to choose points
Indicate what was found at inspection or indicated on the lease	Indicate if management is on-site	Is it a resident or management office? *** Mgmt office gets higher points.** **2-5**
	Emergency maintenance is available	Is there a 24 hour number or person available on site? *** 24 hour number gets more points.**

		2-5
	Owner maintains grounds	Are the grounds well maintained? Are the following things in good condition? *lawn and landscaping *walkway *snow and ice cleared **2-10**
	Owner maintains building	Are the buildings well maintained? Are the following things in good condition? *hallways/common areas *carpet in good repair *air quality (smell) **2-10**

Form for use at inspection:

Tenant name: _____

Unit address: _____

Note the following items to assist in completing rent reasonableness test:

Location: Note presence of businesses in area:	
Accessibility to services: Public transportation?	
Unit size: Square foot approximation:	
Unit type: Impression of unit type?	
Quality: Shabby wallpaper, carpet and other parts of unit?	
Screens?	
Updated wallpaper, carpet and other parts of unit?	
Accessibility to person with disabilities: Wider doors, kitchen modifications, grab bars, ramp?	
Few stairs, ramp, wide doors or elevator only?	
No way for handicapped access?	
Amenities: Air conditioning?	
Carpeting, is it fair or new?	
Washer and dryer in unit?	

Washer and dryer hook ups only?	
Dishwasher?	
Garbage disposal?	
New/Nearly new appliances?	
Closet space, is it adequate or abundant?	
Locked storage space?	
Patio, deck, balcony or porch?	
Other amenities?	
Facilities: Laundry facilities on site, not in unit?	
Is there parking on site, not covered?	
Is there parking on site, covered or garage?	
Is there a playground, swimming pool or tennis court?	
Is there a community building?	
Are there other facilities to note?	
Management and maintenance: Is on-site management a resident or do they have a management office?	
Person available on site for emergency maintenance?	
24 hour emergency maintenance number available?	
Condition of lawn and landscaping?	
Condition of walkway, cracked, crumbling?	
Condition of snow and ice removal?	
Condition of hallways?	
Condition of carpet in common areas?	
Air quality in common areas?	
Other items noted:	

(d) Under the voucher program, the Rental Assistance Manager will not automatically disqualify a unit because the Contract Rent exceeds the Payment Standard Schedule. If the tenant is prohibited by regulation from renting a unit whose gross rent exceeds the payment standard, the Rental Assistance Manager will inform the tenant or owner of the problem and rent negotiations will take place. The Authority will inform the household if the rent is unreasonable compared to rents being charged for comparable unassisted units and will reject an unreasonable rent.

(e) If an owner disputes the reasonableness of the rent approved by the Rental Assistance Manager, the owner can submit documentation such as current leases for other unassisted units subject to the evaluation of the same nine criteria. If they have other comparables in the

same area for similar type unassisted housing they can also submit information on those units. The Rental Assistance Manager may request any information they deem necessary to support any change in the approved rent. NHHFA will determine the measure of acceptable documentation and does not need to accept information submitted by an owner that cannot be verified as accurate or genuine. The burden of proof is on the owner to establish comparability if requesting something different than what our point system will support.

10. Special Programs

10.1 Shared Housing

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. An assisted family may share a unit with other persons assisted under the Housing Choice Voucher Program, or with other unassisted persons. Each household receives a voucher with the smallest number of bedrooms consistent with the occupancy standards. Separate HAP contracts and separate leases are used for those tenants participating in the Shared Housing Program.

10.2 Single Room Occupancy Facilities

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant, but requires the occupant to share sanitary and/or food preparation facilities. An SRO unit may not be occupied by more than one person. Program regulations do not place any limit on the number of units in an SRO facility.

10.3 Congregate Housing

Congregate housing is intended for use by elderly persons or persons with disabilities. A live-in aide may live in the congregate unit. The unit contains a shared central kitchen and dining area and a private living area for the individual household of a least a living room, bedroom and bathroom. Food service for residents must be provided.

10.4 Group Homes

A group home is a State-licensed community residence intended for occupancy by elderly persons and/or persons with disabilities. A live-in aide may live in the group home. The group home consists of a residents' bedrooms, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents. No more than 12 persons may reside in a group home. This includes assisted and unassisted residents and any live-in aides.

10.5 Cooperative Housing

Cooperative housing is owned by a nonprofit corporation or association, 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.

10.6 Homeownership Program

(a) The Authority shall make available 250 vouchers to be used in the Housing Choice Voucher Homeownership Program. A waiting list will be maintained when the number of participants exceeds the maximum of 250. Interest in the Housing Choice Voucher Homeownership Program will allow a participant to place their name on the waiting list. The participant does not have to be pre-approved for a mortgage or determined eligible for the special program before being eligible for waiting list placement. When funding from HUD is appropriated, the Down Payment Grant will be offered as a reasonable accommodation.

1) Additional requirements for participation will be as stated in the PHA plan [982.626(b)]

   a. Bank account open for a minimum of six months

   b. Established credit history as shown by rental history, utility payments, or credit report

   c. Proven income stability

2) Maximum time to locate unit will be 180 days [982.629(a)]. Requests for extensions must be made in writing 10 days before the expiration date.

3) If a house is not located, a voucher for rental assistance will be issued. If a homeowner wishes to transfer back to the rental program, following sale of property a transfer voucher will be issued and the transfer will be approved if default did not occur. [982.629(c)]

4) Continued assistance requirements include post-purchase homeownership counseling and certification of continued occupancy at the annual recertification. [982.633 (b)(8)]

5) The allowance for maintenance expenses and for major repairs and replacements will be 5% of the monthly P & I amount for detached homes and 2% for condominium or duplexes which have ongoing condo fees to cover replacement costs. [982.635(d)]

6) Payment will be made to one of the following: to the family, to the lender, or direct deposit to the family's bank to facilitate automatic payment deduction. The decision of which payment option will be used will be based on the type of restrictions placed on the individual loan. [982.635(d)]

7) The number of moves will be restricted to one move per 12-month period with exception requests for "good cause" reviewed when submitted. [982.637(a)(3)]

8) Interruptions in employment will not be considered to break continuity of employment if the break was beyond the employee's control and if there was only one break which lasted for less than 30 days. [982.627(d)(2)]

9) Financing restrictions will include balloon financing and adjustable rate mortgages. [982.632]

10) Affordability requirements will be recommended to be 33% housing debt and 38% total debt ratio. Exceptions will be made if mortgage insurance secures the loan, if the total mortgage package including income, credit, assets and the value of the asset meet the standards for the Single Family mortgage program requirements. [982.632(d)]

(b) Referrals will be accepted from other Public Housing Authorities.

(c) Participation in the HCV Homeownership Program shall continue until such time as the assistance payment amounts to zero for a period of six consecutive months. At that time the family will no longer be eligible and the HAP will be terminated. However, should the family go to zero HAP, for 180 consecutive days, NHHFA reserves the right to extend the period past 180 days, should there be documented extenuating circumstances for an extension to the time period (not to exceed an additional 180 days). Such documented extenuating circumstances include but are not limited to:

- Death in the family
- Loss of employment income
- Documentation of a medical or financial hardship for a member of the assisted household.

10.7 Welfare to Work

NHHFA's Welfare to Work program is called Housing to Work (WtW)**.** The program is no longer being marketed and is being phased out by HUD. As New Hampshire Housing phases out the program no new applicants are being added to the program, however, participants who signed a participatory agreement are being followed through the end of its term.

Potential participants were required to be on NHHFA's waiting list before being issued a voucher. Applicants for WtW were required to be on Temporary Assistance for Needy Families (TANF), eligible for TANF or to have received TANF within two years of their being pulled from the waiting list. Applicants were further required to demonstrate that receipt of rental assistance was critical to the family's success to obtain or maintain employment on a Referral Form. Participants in the Welfare to Work Voucher Program signed a Participatory Agreement before being issued a voucher. The Participatory Agreement obligated the head of household to work three months for the first year, six months the second year, and nine months the third year. If the head of household is not working or does not meet the employment requirements he/she must be involved in employment related case management. A program participant who willfully and consistently fails to comply with the requirements outlined in the Participatory Agreement may have their rental assistance terminated in accordance with CFR 982.552(c)(x). Any requests for reasonable accommodation should be directed to the Supervisor of Rental Assistance. The Participatory Agreement also requires the family to live in New Hampshire for at least 36 months. If there are extenuating circumstances which support the need to move out of state following the first 12 months, the individual must submit a written request with the reasons to the Supervisor of Rental Assistance. If the request is approved but the person moves to a Housing Authority without a Welfare to Work program, they are released from their Participatory Agreement. If the receiving Housing Authority has a Welfare to Work program they can either absorb or bill and provide needed confirmation that the participant is meeting their goals.

NHHFA has entered into Memorandum of Understandings and sub-allocated vouchers to two local PHAs. These PHAs are responsible to monitor program compliance according to HUD regulation and as defined in the signed MOU.

10.8 Project Based Assistance

(a) NHHFA provides Section 8 project-based assistance using funds provided by the Section 8 Housing Choice Voucher Program. The tenant based aspects of the certificate and voucher programs do not apply to project-based assistance. Project based assistance is administered in accordance with CFR 983.

(b) Section 232 of the HUD Appropriations Act for Fiscal Year 2001 substantially revised the provisions of the US Housing Act of 1937 that govern the use of tenant-based vouchers for project-based assistance. Based on that information, NHHFA offers Project Based Assistance using the initial HUD guidance found in the Federal Register Notice of January 16, 2001 and any applicable parts of the regulation found at 24 CFR 983. One of the major changes between the Project Based Certificate Program and the new Project Based Assistance Program is the provision allowing the tenant to move with a voucher for tenant based assistance after completing the first twelve months with project based assistance, subject to funding availability.

If a voucher is not immediately available, the tenant will be given a priority to receive the next available opportunity for voucher.

(c) HUD issued the Project-Based Voucher (PBV) Program Final Rule effective November 14, 2005. This final rule implements the project-based voucher program. As of its effective date, this rule supersedes the January 2001 notice.

10.8.1 Project Based Voucher Occupancy

(a) NHHFA shall use a separate waiting list for admission to the PBV units. Applicants on the tenant based waiting list are given an opportunity to also be placed on the waiting list for PBV assistance. In selecting families to occupy PBV units with special accessibility features for person with disabilities, NHHFA will first refer families who require such accessibility features to the owner.

(b) If NHHFA determines that a family is occupying a:

1) wrong-size unit, or

2) unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, NHHFA will promptly notify the family and the owner of this determination, and of NHHFA's offer of continued housing assistance in another unit. Continued housing assistance will be in the form of:

a. project-based voucher assistance in an appropriate-size unit (in the same building or in another building), or

b. tenant-based rental assistance under the voucher program.

(c) If the family is offered the opportunity to receive tenant-based rental assistance under the voucher program, assistance may be terminated for the wrong-sized or accessible unit at the expiration of the term of the family's voucher, including any extension granted by the Housing Authority. If the family is offered the opportunity for another form of continued housing assistance and the family does not accept the offer and does not move out of the PBV unit at the expiration of the family's voucher, NHHFA will terminate the housing assistance payments for the wrong-sized or accessible unit at the recertification, but no longer than six months from the offer of continued assistance.

(d) A criminal records report for all family members 18 years and older is now required. Tenant eligibility cannot be completed until this process is completed. When an eligibility packet is received from the owner, the applicant will sign a release authorizing the release of the record. However, if the PBA owner has a report obtained in their screening process, the applicant can obtain a copy of that report and supply it to NHHFA to satisfy this requirement.

10.9 Family Self Sufficiency Program

(a) NHHFA operates the Family Self-Sufficiency Program (FSS) throughout its jurisdiction. NHHFA was originally awarded an allocation of fifty certificates for use in the Family Self-

Sufficiency Program and has consistently offered voluntary FSS slots. NHHFA's FSS program is operated in accordance with the HUD approved Action Plan per CFR 984.201.

10.10 Mainstream Housing Program

(a) NHHFA operates the Mainstream Housing Program that provides rental assistance to very low-income non-elderly and elderly persons with disabilities. Eligibility is determined at the time of admission (see Section 1 of the Definitions). To qualify, the disabled family must be a family whose head, spouse, or sole member is a person with disabilities. A household where a child is the only family member with a disability is not eligible for this program

(b) NHHFA will coordinate housing search assistance with other agencies to assist disabled clients with locating units, including units with needed accessibility features. NHHFA has entered into agreements with several statewide, community-based and faith-based agencies to provide services to Mainstream Voucher Participants. These agencies have agreed to provide their services to assist participants to live in the community.

10.11 Program ACCESS

NHHFA operates the ACCESS 2000 Nursing Home Transition Program that provides rental assistance to very low-income non-elderly persons currently residing in a State licensed nursing home or assisted living facility to enable them to move to a lower level of care or independent housing.

10.12 Family Unification Program (FUP)

If funding from HUD is awarded, NHHFA will provide rental assistance to families eligible under the Family Unification Program (FUP). FUP is a program under which vouchers are provided to families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care. Youths at least 18 years old and not more than 21 years old, who left foster care at age 16 or older and who do not have adequate housing, are also eligible to receive housing assistance under FUP. A FUP voucher issued to such a youth may only be used to provide housing assistance for the youth for a maximum of 18 months. NHHFA shall administer the funding awarded for the FUP in accordance with a Memorandum of Understanding between the NHHFA and DCYF.

10.13 Rental Assistance for Non-Elderly Persons With Disabilities Related to Certain Types of Section 8 Project-Based Developments

If funding from HUD is awarded, NHHFA will provide rental assistance to non-elderly disabled families that are not currently receiving housing assistance in certain Section 8 project-based developments due to the owner's establishment of preferences for the admission of elderly families, or certain types of developments where the owner is restricting occupancy in the development to elderly families only. The vouchers will enable non-elderly disabled families affected by these actions to access affordable housing. Non-elderly disabled families that are income eligible and were on the waiting list for a unit when the development provided

preferences for or restricted occupancy to certain units may receive a voucher. Such families need not be listed on NHHFA's waiting list in order to be offered a voucher. These families will be admitted to the voucher program as special admissions.

11. Housing Assistance Payments

NHHFA makes HAP payments twice a month. The Program Manager and Program Specialist, using the computation sheets as payment requests, prepare the authorizations for HAP payments by making bi-monthly adjustments to the computer record. Payments to owners are not made for initial leases without fully executed contracts. Requests for special payment are paid only after they have been reviewed and approved by the Director of Rental Assistance. Any payment not submitted to the HAP in time to be paid by the first of the month will be paid on the 15th of the month. Once checks have been run through the computer HAP system, a copy of the authorization for HAP is filed in management as a permanent record of payment. The Housing Assistance Payment is deemed received by the owner upon mailing by NHHFA.

11.1 Applicable Payment Standard Adjustments

(a) The Director of Rental Assistance is responsible for reviewing the payment standards for the voucher program and making adjustments as necessary. Adjustments are approved by the Director of Assisted Housing. These reviews will be performed at least annually by geographic area and bedroom size. Each payment standard amount on the schedule is not less than 90% of the published Section 8 Existing fair market rent (in effect when the payment standard is adopted) for the unit size and is not more than 110% of the Fair Market rent or HUD-approved community wide exception rent (in effect when the payment standard amount is adopted) for the unit size.

(b) The Authority has the discretion to make annual affordability adjustments to the payment standards. The report that shows the percentage of income being paid by the tenants will be used for the analysis in making the affordability adjustment. The affordability adjustment may be adopted without consulting the public or the unit of general local government.

12. Reporting Requirements

12.1 Interim Reporting

Interim changes must be reported in writing or by e-mail and a change will be completed when:

- the household composition changes
- the household reports a decrease in income of a duration in excess of thirty days
- an additional source of income is received
- the household has misrepresented the facts upon which the rent is based
- there is an administrative error on the part of the Authority
- the client changes the type of income, such as moving from TANF to wage
- the client changes the source of income, such as changing employers
- there is a change to Social Security income, other than the annual cost of living increase

Requests for exceptions to this policy should be forwarded to the Director of Rental Assistance.

Interims will not be completed when:

- the client receives a raise
- the client has an increase in hours at work
- the client receives a Social Security cost of living increase

These changes will be completed at the next annual recertification.

The new rental amount for the client is effective on the first of the month following the report of the change, with a 30 day notice if there is an increase. When a child turns 18 the change will be processed at the next recertification.

12.2 Failure to Report Changes

Failure of a household to report any of the above referenced changes of income or household composition, or to secure approval for a change in household composition**,** other than birth or adoption, within five calendar days, will result in the rent being adjusted retroactively, and the participant being billed any overpayment of Housing Assistance Payments amounts. Our process for handling errors and omissions and fraud and abuse will be: If the tenant fails to report a change in income**,** in addition to the payback mentioned above, the tenant will be given a written warning, requiring the signature of the tenant. This will be done for errors and omissions in reporting income, asset and household composition. At the second infraction, the tenant will be terminated from the Program in addition to being placed on a payback for the amount owed. At any time, if the infraction is determined to be intentional, steps will be taken to terminate assistance even without a

previous warning. An infraction will be considered intentional if the amount of the payback agreement exceeds $2,400, an annual recertification has been completed following the income being added to the household and it was not reported for the recertification or a client has signed paperwork that confirms that they withheld reporting the change. This includes, but is not limited to, the Applicant Tenant Certification, Personal Declaration Form, Household Information Update, or Hardship Request for Minimum Rent. Extenuating circumstances will be reviewed by the Rental Assistance Manager and any request for review of the situation will be forwarded to the Director of Rental Assistance.

12.3 TANF Income

Participants who receive Temporary Aid for Needy Families (TANF) will have their income calculated as follows: For those participants with other sources of income in addition to the TANF grant, the actual grant amount will be used to calculate the Total Tenant payment. For those participants who do not have other sources of income, the theoretical grant will be used to calculate the Total Tenant Payment.

12.4 Enterprise Income Verification (EIV) System

The purpose of HUD's EIV System is to make integrated income data available from one source, via the Internet, for PHAs to use to improve income verification.

12.4.1 Benefits of the EIV System

1) Increases the efficiency and accuracy of income and rent determinations

2) Reduces incidents of underreported and unreported housing income

3) Removes the barriers to verifying tenant-reported income

4) Addresses material weaknesses in a PHA's reexamination process and program operations

5) Assures that more eligible families are able to participate in the program

12.4.2 EIV System Uses and Capabilities

1) Provides wage, unemployment, and Social Security Administration (SSA) benefit information through a data matching process for households covered by a HUD-Form 50058 and maintained in the Public Housing Information Center (PIC) database

2) Allows PHAs to view quarterly wage, employer information, unemployment benefit payments, monthly Social Security and Supplemental Security Income benefits, and Medicare deductions and/or buy-ins for tenants within the PHA's jurisdiction

3) Provides income discrepancy reports to identify families who may have substantially underreported household income

12.4.3 Income Discrepancy Resolution

(a) The Income Discrepancy Report (IDR) contained in the EIV system identifies families that may

have substantially under reported wages, social security benefits and/or unemployment compensation. If verification data is greater that tenant-reported income by $2,400 or greater annually, PHAs are expected to resolve these income discrepancies. PHAs are required to obtain written third party verification of disputed verification data. Below are the steps NHHFA will take to resolve income discrepancies that have been reported on the IDR, or when other information is received of underreported household income:

1) Request written third party verification of any income source allowed using the HUD Release Form 9886

2) Confirm effective dates of unreported income source

3) Notify the tenant in writing of the discrepancy

4) Request current documents from the tenant, i.e. original, current and consecutive pay stubs, original SSA benefit verification letter, etc.

5) In cases where NHHFA obtains additional income information via the EIV system (and verifies the verification data with the tenant and/or third party source) that would result in a more accurate income determination, NHHFA will adjust the rent accordingly to reduce the occurrence of improper subsidy payments

6) In cases where NHHFA confirms that the tenant failed to report income source(s), NHHFA will determine retroactive rent due to NHHFA and execute a repayment agreement with the tenant or terminate housing assistance

(b) The Program Analyst will review the IDR on a quarterly basis. PHAs are required to select a "threshold" percentage which is the percentage of households included on the report when the percentage of EIV/PIC discrepancy exceeds the threshold. NHHFA will not use a threshold lower than 80%.

(c) NHHFA will communicate our policy with the other local PHAs who administer our vouchers. The PHA will be responsible for reviewing the IDR discrepancy, determining if the report is valid or invalid, and taking appropriate action with those tenants in accordance with our administrative procedures.

12.4.4 EIV Security Policy

(a) NHHFA will use the HUD EIV System Security Procedures for Upfront Income Verification data as guidance in its security procedures.

(b) The data provided via the EIV system will be protected to ensure that it is only used for official purposes and not disclosed in any way that would violate the privacy of the individuals represented in the system data. The Managing Director of Assisted Housing will have the responsibility of ensuring compliance with the security policies and procedures. These responsibilities include:

1) maintaining and enforcing the security procedures;

2) keeping records and monitoring security issues;

3) communicating security information and requirements to appropriate staff, including coordinating and conducting security awareness training sessions;

4) conducting a quarterly review of all User IDs issued to determine if the users still have a valid need to access the EIV data and taking the necessary steps to ensure that access rights are revoked or modified as appropriate; and

5) reporting and evidence of unauthorized access or known security breaches to the PHA Executive Director and taking immediate action to address the impact of the breach including, but not limited to, prompt notification to appropriate authorities including the HUD Field Office's Public Housing Director.

(c) Access to EIV data is restricted only to persons whose duties include or responsibilities require access. NHHFA maintains a copy of the EIV Access Authorization Form for each user who has approved access. All users have signed the EIV Rules of Behavior and User Agreement form. Each user has received a copy of the HUD Security Procedures and is trained in the EIV policies.

(d) All files, reports or documents containing EIV information will be kept in locked drawers, maintained by the Program Analyst. The IDR reports will be stored in a public folder that is secure and password protected. Once a file has been resolved, the documentation will be kept in the EIV master file cabinet which will remain locked at all times.

13. Special Policies

13.1 Guest Policy

Program participants are permitted visitors to their dwelling unit with owner's permission for a period not to exceed 14 consecutive calendar days and a total of 30 days per year. Program participants will notify NHHFA if guests are expected to stay in the unit for more that 14 consecutive calendar days. If the guest stays over 30 days, the participant would be in violation of the lease and NHHFA Administrative Plan. At that point the tenant must decide if the guest should go through the approval process to be added as a household member or if they should make other housing arrangements. The owner's approval is necessary to add new members to the lease and new household members must be approved by NHHFA. Participants in violation of this policy shall be subject to program termination.

13.2 Extended Absence Policy

Program participant's absence from a leased unit may not exceed a maximum of 90 consecutive days. Notice should be sent in writing to NHHFA prior to the absence for a period of 30 days or more and absence should not to exceed a total of 90 days per year. Absence due to hospitalization or imprisonment shall have an exception not to exceed a maximum or 180 consecutive days. Housing Assistance Payments will terminate if the absence is longer than the maximum time permitted. Resumption of Housing Assistance will occur following notification of the tenant's return or based on reports from the owner, neighbors or through letters, phone calls or visits to the unit. Participants in violation of this policy shall be subject to program termination.

13.3 Family Break-up Policy

(a) If a family break up occurs and one party is staying in the assisted unit, the person staying in the unit retains the voucher as a "surviving member." The other party may be eligible for a preference as defined under the Family Break Up Preference. NHHFA will abide by any court determinations of which family members receive the original voucher and the other party would be evaluated to determine if they are eligible for the preference. There must be subsidy available at the time and the other qualified household member must have met all lease and program requirements, including having lived in the unit for 12 months before requesting the preference.

(b) If both parties leave the unit NHHFA would evaluate income eligibility to determine which party would receive the original voucher and which would be given a preference to receive a new voucher. If both parties are over income for the preference, the original voucher would be awarded as follows:

1) To the individual who retains custody of any minor children, or

2) If the custody arrangement is shared physical custody of 50/50, the family would be requested to obtain a court decision for award of the voucher, or

3) For households who do not have children, the voucher would be awarded to the individual who is elderly or disabled, or

4) If neither party is elderly or disabled, the head of household would receive the voucher.

14. Paybacks

(a) Paybacks will be offered to participants in accordance with CFR 982.552(c)(vii). All adults over 18 in the household at the time of the infraction must sign the payback. Participants will not be allowed to have more than one payback currently outstanding. The older debt must be paid in full prior to the offer of a new payback. In addition, if a participant has breached a prior payback and they wish to return to the Housing Choice Program or be placed on the waiting list, the breached payback amount must be paid in full before they can receive assistance. A new payback will not be entered into unless needed for reasonable accommodation. The person can be on the waiting list but would have to pay the debt in full before receiving assistance under the Housing Choice Voucher program. The applicant is, however, eligible for Emergency Housing assistance during the time on the waiting list. Requests for exceptions to this policy would be forwarded to the Director of Rental Assistance.

(b) Participants who are two months or more delinquent in their payback at the time of request for a transfer will have to pay the payback in full before the Rental Assistance Manager can issue a transfer voucher. Those who are current with their paybacks are eligible for a transfer voucher. After they have moved or transferred to another Housing Authority, they must remain current in their payback or their assistance may be terminated. NHHFA will notify the receiving Housing Authority of the breached payback and if the tenant was absorbed, that Housing Authority will decide under their policies if termination will occur. If there is a billing situation, discussion will happen with the other Housing Authority regarding the situation and a decision will be reached by both parties.

(c) The maximum length of time allowed and minimum amount due schedule for repayment is as follows:

Minimum	Amount Down	Payback Range	Maximum Time
None allowed	None allowed	<$100.00	pay in full
$20.00	$50.00	$101.00 - $500.00	1 year
$30.00	$50.00	$501.00 - $1,000.00	2 years
$40.00	$50.00	$1,001.00 - $1,900.00	3 years
$50.00	$50.00	$1,901.00 - $3,000.00	4 years
$100.00	$100.00	$3,001.00 and up	5 years

Requests for exceptions to this policy should be forwarded to the Director of Rental Assistance.

(d) Monthly statements will not be sent to participants. At the beginning of the year the participant will be sent an itemized statement outlining the years' payments. Once a payback becomes one month behind, the notice of delinquency is sent. If the payback is not brought current by the 20th of the next month, the notice of termination is sent. At that time the payback is two payments delinquent. Assistance will be terminated, the payback is considered in default, and the default will be pursued in small claims court. If the participant chooses to bring the payback current, they are only allowed to do so a maximum of three times per twelve month period, in agreement with the NH State law on curing evictions.

(e) If a participant files for bankruptcy, a request for forebearance will be accepted until final judgment is entered. If the participant receives a judgment of bankruptcy, the debt with NHHFA is discharged. If the judgment of bankruptcy is denied, the payback is reinstated.

(f) NHHFA reserves the right to withhold utility reimbursements for repayment of a payback debt, if appropriate. The Supervisor of Rental Assistance and Director of Rental Assistance will decide if the payment should be withheld and the amount to be withheld.

15. Informal Hearing and Review Procedures

15.1 Informal Review Procedure

(a) If NHHFA denies an applicant assistance or denies the applicant placement on the waiting list, it must give the applicant prompt notice of the decision. The notice must contain a brief statement of the reasons for the decision and must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review.

(b) The notice must inform applicants wishing to request a review that they should put their request in writing. That request should be sent to the attention of the Director of Rental Assistance, within 10 calendar days of the notification of denial.

(c) The review will be conducted by an employee of the Authority or other qualified person designated by NHHFA. The person conducting the review will not be the person who made or approved the decision under review or a subordinate of this person.

(d) The applicant has the opportunity to present written or oral objections to NHHFA's decision.

(e) NHHFA must notify the applicant of the final decision, within five days after the review, including a brief statement of the reasons for the final decision.

15.2 Informal Hearing Procedure

(a) Each time the Authority takes an action which may adversely affect a tenant's right to housing assistance, the affected household is notified in writing of their right to a hearing. The notice must contain a brief statement of reasons for the decision, state that if the family does not agree with the decision the family may request an informal hearing on the decision and state the deadline for the family to request an informal hearing.

(b) In the cases numbered below (1-4), the family may ask for an explanation of the basis of NHHFA's determination and if the family does not agree with the determination, the family may request an informal hearing on the decision.

1) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.

2) A determination of the appropriate utility allowance (if any) for tenant paid utilities from the NHHFA utility allowance schedule.

3) A determination of the family unit size under NHHFA's subsidy standards.

4) A determination of minimum total tenant payment.

In the cases numbered below (5-8), the family may request an informal hearing on the decision.

5) A determination that a participant family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the NHHFA subsidy standards, or NHHFA's determination to deny the family's request for an exception from the standards.

6) A determination to terminate assistance for a participant family because of the family's action or failure to act.

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

8) A determination that an adjustment in tenant payment will not be made because the family is being sanctioned by the Department of Health and Human Services for failure to comply.

(c) NHHFA and the participant will have the opportunity to present evidence and may question any witnesses. A participant family has the right to a pre-hearing discovery of NHHFA documents, including records and regulations that are directly related to the hearing. Supervised inspection of all documents will take place in either the Littleton or Bedford NHHFA office. Copies of any documents will be supplied to the family at the family's request. NHHFA has a parallel right to a pre-hearing examination of relevant family documents. Materials to be provided by the participant must be submitted by the date specified. Both parties must produce documents that are directly related to the hearing. Failure by either party to make a document available for pre-hearing discovery prevents the party from relying on it at the hearing. The hearing will be conducted by an employee of the Authority, or other qualified person designated by NHHFA. The person conducting the hearing will not be directly involved in the day-to-day operation of the Authority's Section 8 Program. After the hearing, NHHFA will notify the participant, in writing, of the decision of the hearing official and the grounds for the decision. Requests for a hearing before NHHFA should be sent to the attention of the Rental Assistance Manager within 10 calendar days of the notification to the participant regarding the informal hearing procedures.

(d) The hearing officer may, at his or her discretion, choose to record the proceedings. If done, those attending the hearing will be so advised. The sole purpose of the recording will be to assist the hearing officer in review of the evidence presented at the hearing. No copies of any such recording shall be provided to either party; however, the participant may make their own recording of the hearing. Once a decision is rendered, the NHHFA recording may be destroyed.

(e) The participant has the right to retain counsel or other representation, if desired, at his or her own expense. It is anticipated that the participant will personally appear at the hearing. If the participant is unable to attend the hearing, he or she may have their legal or other counsel. represent them. Any such counsel must provide written authorization from the participant to the hearing officer. In the unlikely event of unforeseen circumstances keeping the participant from attending the scheduled informal hearing and the participant does not want counsel to attend without them, it is the participant's responsibility to contact NHHFA no less than 24 hours prior to the hearing date and time. NHHFA will reschedule the hearing only if the participant can show good cause to do so, including rescheduling as a reasonable accommodation for an individual with disabilities. If the participant fails to appear at the scheduled or re-scheduled informal hearing without showing good cause, no other hearing will be scheduled.

16. Equal Opportunity Housing Plan

OBJECTIVE I: OUTREACH TO LOWER-INCOME FAMILIES

Actions to be taken:

The following items are applicable to the Housing Choice Voucher and Moderate Rehabilitation Programs:

(1) Media to be used:

NHHFA utilizes State (Manchester Union Leader) and local newspapers in each region of the state. The advertisement contains an Equal Housing Opportunity statement and follows the Advertising Guidelines for Fair Housing. Advertisements are geared towards attracting families and property owners to participate in the program.

(2) Other suitable means to be used to publicize program:

NHHFA will utilize brochures, posters, outreach to community agencies by personal contact and mailings. Staff members perform special group presentations of the program.

(3) Group or groups less likely to apply, if any:

Households who do not receive any form of public assistance (the working poor), persons with disabilities and illiterate persons.

Persons whose primary language is not English.

(4) Special outreach to groups identified in #3:

NHHFA's outreach efforts include arranging to accept applications and briefing prospective applicants or other service providers (e.g. social security, welfare) about the Existing Programs (see next page). It is also important to obtain visibility by visiting local organizations (e.g. churches, town offices, community centers and specialty groups such as VNA, CAP). The Authority also assists the NH Commission for Human Rights in providing all renters with information pertaining to Federal and State laws concerning discrimination in housing. In doing so, NHHFA is able to provide information to prospective Section 8 applicants as well as non-subsidized renters. This also provides the Authority with an outreach tool for minority tenants. All NHHFA advertising material contains the appropriate Equal Opportunity language.

Outreach to Service Providers

ALPHA
The International Center
NAACP Manchester and Portsmouth office
Families in Transition
Town Welfare offices
Area Agencies
LARC
New Hampshire Legal Assistance
Community Action Programs
Granite State Independent Living Foundation
Social Security Administration
Veteran's Administration
NH Division of Elderly and Adult Services
NH Division of Human Services
American Association of Retired Persons
Security Deposit Loan Fund
Visiting Nurse Associations
State Council on Aging
NH Division of Vocational Rehabilitation
Governor's Commission for the Handicapped
Meals on Wheels
Salvation Army
Red Cross
Mental Health Centers
Libraries
United Way
Family Financial Counseling Service

OBJECTIVE II: PROMOTING GREATER HOUSING OPPORTUNITIES FOR FAMILIES OUTSIDE AREAS OF LOW-INCOME AND MINORITY CONCENTRATION

Actions to be taken:

The following items are applicable to the Housing Choice Voucher and Moderate Rehabilitation Programs:

(1) Media to be used to notify owners about the program(s): (name and type).

NHHFA will utilize newspapers.

(2) Actions to encourage participation by owners of units outside low-income and minority areas (not applicable to Moderate Rehabilitation Programs if targeted to specific neighborhood(s)):

Outreach contact with owners, property managers, Realtors and community groups by personal visits, mailings, or phone calls. Explanations of the benefits and requirements of the program is

provided. Landlords are supplied with information material including a sample Lease and HAP Contract.

(3) Actions to explain program requirements including equal opportunity to owners:

Explanation of the program to the owner by NHHFA staff. The owner is provided with a sample Lease and HAP Contract and an owner briefing handbook, which explains the program.

(4) Information on local, State or Federal Fair Housing laws and the use of Form HUD-903 to be provided as follows:

NHHFA has Federal Fair Housing Posters posted throughout the agency. All Voucher holders are given a Tenant Handbook at the time of briefing, which includes Form HUD-903. A brief explanation of the Fair Housing Laws is included in the text of the Handbook.

These items are applicable only to the Existing Housing Programs.

(5) Information on general locations and characteristics of neighborhoods and on listing, to be provided as follows:

At the time of briefing, Voucher holders will be given listings of apartments made available by owners who wish to participate in the Section 8 program.

(6) Actions to be taken to assist Voucher Holders during housing search, when requested:

Referrals to agencies which may assist families in locating housing. Staff verifies the availability of units and the interest of the prospective landlord. Ongoing referrals of vacant units and counseling of individual families are performed by staff.

(7) Actions taken to promote broadest geographical choice in selection of units by Voucher Holders, if any:

Ongoing outreach as described in #1 and #2.

(8) Geographical areas in which PHA's Vouchers may be used:

Vouchers may be used within the State in any area where NHHFA is not legally barred from entering into contracts. If the household wishes to move to an area within the State or outside of the State in which the housing authority does not have permission to operate under state law, the PHA which has jurisdiction administers either program. Non-resident applicants must use the subsidy within the NHHFA's jurisdiction for the initial twelve months of assistance.

OBJECTIVE III: ENSURING EQUAL OPPORTUNITY TO APPLICANTS FOR PARTICIPATION IN THE PHA'S HOUSING CHOICE VOUCHER OR MODERATE REHABILITATION PROGRAM AND IN THE SELECTION OF HOLDERS OR APPLICANTS TO BE REFERRED TO OWNERS OF VACANT MODERATELY REHABILITATED UNITS:

Actions to be taken:

(1) System for taking, processing and filing applications; establishing waiting list:

Applications are solicited and received primarily through the mail. The Authority maintains a computerized log of all application requests by date of request. The log indicates the name and address of the interested party. The date the application is received by the Authority is also noted in the log as well as on the application itself. Should multiple applicants have the same application date and preference status, the applications will be placed on the waiting list by date and preference. Multiple applications received on the same date will be sorted by social security number. This ranking order is maintained until the first applicant is offered assistance.

Formal income and expense verifications are not performed at the time of application receipt unless there is a question concerning income or expense which could alter the family's preliminary determination of eligibility. The Rental Housing Assistant determines preliminary eligibility for all applicants, and prepares the applicant's written eligibility notification. The notification includes: Waiting list date of placement and the approximate time of funding availability. If an applicant is determined to be ineligible, the Rental Housing Assistant so notifies them and outlines their appeal procedure. The Waiting List is maintained in the computer by date of application.

(2) Preference or priority categories in order, if any, for issuance of Vouchers and method used for selection of Voucher Holders or applicants to be referred to owners of vacant moderately rehabilitated units:

Federal Preferences have been eliminated.

The Authority will give priority in waiting list placement in accordance with Section 3.4.

OBJECTIVE IV: PROVISION OF SERVICES AND ASSISTANCE TO FAMILIES THAT ALLEGE THEY HAVE ENCOUNTERED DISCRIMINATION DURING THEIR HOUSING SEARCH.

Actions to be taken:

(1) Services to be provided in finding a unit under the Housing Choice Voucher Program:

During the briefing, Voucher Holders have the housing search process thoroughly explained to them. In addition to the verbal briefing, a Tenant Handbook is sent to them. The Handbook included the following information: Sample of Lease and HAP Contract, Request for Tenancy Approval, Lead Paint Form, List of Participating Landlords, How to find a Suitable unit, Fair Housing Information, Fraud Letter, Informal Hearing Procedures, Housing Quality Standards, Utility Allowance and Assorted Legal Assistance Brochures.

(2) Assistance to be given to Voucher Holders or applicants referred to owners of vacant moderately rehabilitated units in the exercise of their rights under Federal, State and/or local law and name of persons responsible for giving assistance; training of these persons:

The Tenant Handbook informs Voucher Holders of their rights relative to discrimination, and includes Form HUD-903, Housing Discrimination Complaint Form. Also included in the Handbook package are brochures from Legal Aid and Referral (LARC) describing "Your Rights as a Tenant". When staff receives a call from someone with a discrimination complaint, the person is referred to the NH Commission for Human Rights if appropriate, or to an agency best suited to solve their problem.

(3) Assistance offered to participants claiming discrimination during housing search or program participation:

Complainants are referred to New Hampshire Commission for Human Rights, HUD's Office of Fair Housing and Equal Opportunity or New Hampshire Legal Assistance's Fair Housing Project. In addition, staff contacts housing provider directly to attempt to resolve outstanding issues.

OBJECTIVE V: UTILIZATION OF A FAIR HOUSING ORGANIZATION OR ORGANIZATION SERVING THE HANDICAPPED.

The PHA subcontracted with a Fair Housing organization or organization serving the Handicapped in its Existing Housing or Moderate Rehabilitation Program(s).

YES _____ NO ___X___

Name of Organization: NH Commission for Human Rights

Services to be provided by this organization:

a. Referrals

OBJECTIVE VI: PROMOTING EMPLOYMENT OPPORTUNITY IN THE PHA'S EMPLOYMENT PRACTICES – HOUSING CHOICE VOUCHER OR MODERATE REHABILITATION PROGRAMS

Actions to be taken:

(1) Steps to be taken to promote employment opportunity:

When seeking to fill positions, advertising is done widely in the community. In addition, the program is marketed to all eligible persons, including persons with disabilities and persons with limited English proficiency. Consideration of language needs and inclusion of second language skills in recruitment and hiring is included in the agency's Language Assessment Plan.

(2) Steps to be taken to affirmatively further fair housing:

The buildings and communications facilitate applications and service delivery and both are accessible to persons with disabilities. Fair housing counseling and referrals are made to fair housing agencies and The Legal Aid and Referral Center. Each participant is informed how to file a fair housing complaint and receives the toll-free number for the Housing Discrimination Hotline, as well as a copy of the discrimination form. Landlords and Service providers are recruited to expand housing choice to program participants. An available units listing is maintained by computer and is available on our website.

OBJECTIVE VII: EQUAL OPPORTUNITY FOR PARTICIPATION IN THE MODERATE REHABILITATION PROGRAM OF MINORITY AND SECTION 3 BUSINESSES

(1) Actions to be taken in developing and maintaining lists of local minority and Section 3 businesses:

N/A

OBJECTIVE VIII: MAINTENANCE OF WELL ORGANIZED, COMPLETE RECORDS TO FACILITATE HUD'S MONITORING AND REVIEW OF PHA OPERATIONS, IN PARTICULAR AS THEY RELATE TO PHA ACTIONS TO FULFILL THE OBJECTIVES OF THE PHA'S EOHP.

Records are kept in a central file.

17. Conflict of Interest

(a) The requirements for compliance with CFR 982.161: Conflict of Interest are stated in NHHFA's Code of Conduct, found in the Operations Manual, which was adopted by the Board of Directors. In addition, CRF 982.161 requires the following:

1) Neither NHHFA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

   a. Any present or former member or officer of NHHFA (except a participant commissioner);

   b. Any employee on NHHFA, or any contractor, subcontractor or agent of NHHFA, who formulates policy or who influences decisions with respect to the programs;

   c. Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or

   d. Any member of the Congress of the United States.

2) Any member of the described in paragraph (a) of this section must disclose their interest or prospective interest to NHHFA and HUD.

3) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

(b) Solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of NHHFA, or any contractor, subcontractor or agent of NHHFA is prohibited. Specific guidelines are listed in the NHHFA Code of Conduct under Section H. Disciplinary remedies for violation of the code of conduct are listed in the Operations Manual.

18. Termination of Housing Assistance Payments Contract

The Housing Assistance Payments Contract states that "The PHA may terminate the HAP Contract if the PHA determines, in accordance with HUD requirements, that available program funding is not sufficient to support continued assistance for families in the program."

In the event of a funding shortfall the Authority shall terminate assistance to those families who were most recently admitted to the program (last in-first out). The following participants will be exempted from this policy:

- Project-based voucher participants
- Homeownership voucher participants
- ACCESS participants receiving assistance under the HUD Nursing Home Transition program

Tenants who have been affected by this action will have their name placed back on the waiting list with a preference for "terminated for funding shortfall" (Section 3.4).

19. Addendum Regarding Affirmatively Furthering Fair Housing

Addendum: for the Family Unification (FUP) NOFA

(1) New Hampshire Housing will identify and ensure certification of FUP eligible families and youth that may be on the waiting list, ensuring that they maintain their original position on the waiting list after certification.

(2) New Hampshire Housing will place all FUP eligible families and youth referred from the PCWA on the waiting list in order of first come, first served.

(3) New Hampshire Housing will inform applicants how to file a fair housing complaint including providing them the toll free number for the Housing Discrimination Hotline, 1-800-669-9777. This will be provided on the cover letter for the application, as well as in the acknowledgement letter, which each applicant receives when placed on the waiting list.

Addendum: for the Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Project-Based Developments NOFA

1) New Hampshire Housing identified and contacted all non-elderly disabled families that were affected by the preferences, or restricted occupancy to certain units in Certain Developments for occupancy by elderly families only.

2) New Hampshire Housing will inform applicants how to file a fair housing complaint by providing them the toll free number for the Housing Discrimination Hotline, 1-800-669-9777. This will be provided on the cover letter for the application, as well as in the acknowledgement letter, which each applicant receives when placed on the waiting list.

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List of Supporting Documents Available for Local Review

(*Applicable to All PHA Plan Types*)

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

Applicable & On Display	Supporting Document	Applicable Plan Component
√	Form HUD-50077, *Standard PHA Certifications of Compliance with the PHA Plans and Related Regulations*: *Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual PHA Plans*.	Standard 5-Year and Annual Plans Streamlined 5-Year Plans
√	Form HUD-50076, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*: *Board Resolution to Accompany the Streamlined Annual PHA Plan*, including required PHA certification and assurances for policy and program changes since last Annual Plan.	Streamlined Annual Plans
√	State/Local Government Certification of Consistency with the Consolidated Plan	5-Year and Annual Plans 5-Year Streamlined Plans
√	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	5-Year and Annual Plans
√	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments (AI) to Fair Housing Choice); and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
√	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA's public housing and Section 8 tenant-based waiting lists.	Streamlined Annual Plan: Housing Needs
	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan (TSAP) and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
√	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Deconcentration Income Analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. ☐ Check here if included in the public housing A&O Policy.	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public housing rent determination policies, including the methodology for setting public housing flat rents.☐ Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development. ☐ Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
√	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. ☒ Check here if included in the Section 8 Administrative Plan.	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
	Results of latest Public Housing Assessment System (PHAS) assessment (or other applicable assessment).	Annual Plan: Management and Operations
	Follow-Up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary).	Annual Plan: Operations and Maintenance and Community Service and Self-Sufficiency
√	Results of latest Section 8 Management Assessment System (SEMAP).	Annual Plan: Management and Operations
√	Any policies governing any Section 8 special housing types	Annual Plan: Management and

List of Supporting Documents Available for Local Review

(*Applicable to All PHA Plan Types*)

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

Applicable & On Display	Supporting Document	Applicable Plan Component
	☒ Check here if included in Section 8 Administrative Plan.	Operations
	Public housing grievance procedures ☐ Check here if included in the public housing A & O Policy.	Annual Plan: Grievance Procedures
√	Section 8 informal review and hearing procedures ☒ Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement/Performance and Evaluation Report (form HUD-52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (form HUD-52825) for any active CIAP grant	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See Notice 99-52 (HA).	
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the U.S. Housing Act of 1937, or Section 33 of the U.S. Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
√	Policies governing any Section 8 Homeownership program (Section 10 of the Section 8 Administrative Plan).	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs ☐ Check here if included in the public housing A & O Policy.	
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
	FSS Action Plan/s for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	
	Most recent self-sufficiency (ED/SS, TOP, or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). ☐ Check here if included in the public housing A & O Policy.	
√	The results of the most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U. S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Consortium agreements and certifications that agreements are in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection.	Joint PHA Plans for Consortia
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)