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: _____**MUNICIPALITY OF MAYAGUEZ**_____ PHA Code: __RQ 009 __

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

PHA Fiscal Year Beginning: (MM/YYYY): ___ 07 / 2010 ___

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

Number of PH units: _____ Number of HCV units: ___**842** _____

3.0 **Submission Type**

X ☐ 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:

The Mission of the Municipality of Mayaguez is to promote adequate and affordable housing, economic opportunities and suitable living environment free from discrimination.

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.

See Document 1 or Attachment 1

6.0 **PHA Plan Update**

(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:
(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.

a. **See Document 2 or Attachment 2**

b. **The public may obtain copies of the 5 Year and Annual PHA Plan at the Department of Housing and Federal Programs of the Municipality of Mayaguez located at 123 Ramon Emeterio Betances Street, Mayaguez, Puerto Rico 00680**

Contact Person: Mr. Felix Arguinzoni Lopez, Section 8 Program Supervisor
Phone: 787-833-2071

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.*

8.0 **Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable.

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.

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.
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.
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. **See Document 3 or Attachment 3**
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.** **See Document 4 or Attachment 4**
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. **See Document 5 or Attachment 5** (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" **See Document 6 or Attachment 6**
11.0	**Required Submission for HUD Field Office Review**. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office. (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only) (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only) (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only) (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only) (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Instructions form HUD-50075

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

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

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

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

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

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

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

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

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

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

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

PHA Plan Elements. (24 CFR 903.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.2 Capital Fund Program Five-Year Action Plan

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

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at: http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm

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

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

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

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

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

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

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

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

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

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

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

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

(f) Resident Advisory Board (RAB) comments.

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

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

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

ATTACHMENT #1

Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, 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.

PHA Goals and Objectives:

PHA Goal #1: EXPAND THE SUPPLY OF ASSISTED HOUSING

OBJECTIVE: Apply for additional rental vouchers.

PHA Goal #2: IMPROVE THE QUALITY OF ASSISTED HOUSING.

OBJECTIVES: Improve voucher management (SEMAP SCORE) and increase customer satisfaction (Conduct annual meetings with tenants and landlords)

PHA Goal #3: Increase assisted housing choices

OBJECTIVES: Conduct outreach efforts to potential voucher landlords (conduct an annual orientation meeting with potential landlords; publish notice to prospective landlords in a general circulation newspaper); Implement voucher homeownership program and implement the FSS Program.

PHA Goal #4: Provide an improved living environment

OBJECTIVE: Implement measures to de-concentrate poverty by bringing Section 8 households into higher income areas annually.

PHA Goal #5: Promote Self-Sufficiency and asset development of assisted households

OBJECTIVES: Provide or attract supportive services to improve assistance recipient's employability: make alliances with public and private organizations to provide supportive educational services to tenants and provide or attract supportive services to increase independence for the elderly or families with disabilities; make alliances with public and private organizations to provide supportive educational services to tenants.

PHA Goal #6: Ensure equal opportunity and affirmatively further fair housing objectives: undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familiar status and disability; religion, national origin, sex, familiar status and disability: publish notices indicating that housing vouchers are available regardless of race, religion, national origin, sex familiar status and disability, conduct annual orientation meetings with applicants, tenants and landlords.

Progress in meeting five year plan mission and goals

Report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan

Lead Agency

The Municipality of Mayaguez designated the Department of Housing and Federal Programs with the task of preparing, directing, coordinating and submitting the Section 8 Program 5 Year Plan for fiscal years 2005 to 2010.

Worked with Urgent Needs

During the last 5 years we worked with the most urgent housing needs in our Municipality; specially providing affordable housing to very low, low and moderate income families in our jurisdiction.

Municipal (local) and federal funds (CDBG, HOME, ESG, HOPWA and Section 8 programs) funds were allocated for the development of housing activities such as housing rehabilitation, rental and homeownership assistance.

With Section 8 Program funds the PHA assisted annually 25 to 30 new households or families; complying with the Program Waiting List.

5 Year PHA Mission

We have worked to achieve the goals established in the 5 Year Plan providing rental assistance to very low income families with and without children; handicapped persons and elderly people in the Municipality. Our jurisdiction complied with the Mission of provide affordable housing; suitable living environment and expending economic opportunities free from discrimination.

SEMAP Evaluations

During the reported period we have many situations or problems that affected our HUD SEMAP Evaluations; receiving trouble to high performance evaluations. The most recent evaluation was **Standard**.

Improvement of Internal Controls / Technical Assistance

Improvements in the Section 8 Program were achieved and more effective internal controls were implemented. We received technical assistance from HUD Public Housing staff and from others PHA; likes Ponce when we had serious MTCS problems during the past fiscal year.

Effective Trainings

Our PHA have also worked with better Section 8 Staff training providing them the opportunity to participate on HUD seminars and workshops.

Waiting List

During the past 5 years we also worked with the revision of the Waiting List. Actually we have **only** 42 applicants; this is a great improvement for our program.

Working with the Vouchers Occupation

Many efforts have been made by the Section 8 Staff to achieve a high occupation percentage with the vouchers assigned to the PHA.

HUD CPD Division Consolidated Plan

During the 5 Years we also participated in the Consolidated Plan development process to ensure coordination with broader community strategies.

All the goals achieved are aimed at carrying out the City's Mission and goals established in the 5 Year Plan. Provide better housing assistance to families in need while at the same time providing services that would help to improve the quality of life and the environment in which these families reside.

High Quality Services and Next 5 Year Plan

It is very important to the Municipality of Mayaguez Section 8 Program Staff to provide high quality services to every participant. During the past 5 years and during the next year we will continue to identify those areas that require improvement to work with these to achieve the goals and objectives set forth in the next 5 Year Plan.

Fiscal Year 2009 – 2010

The Municipality of Mayaguez assisted 821 families during fiscal year 2009 with Section 8 Program funds, eighteen (18) portabilities were also administered; eight families that reside outside the jurisdiction received housing assistance.

During Fiscal Year 2009 the municipality received **a standard evaluation** at the SEMAP-Section 8 Management Assessment Program. SEMAP was designed by HUD as a tool to measure the performance of PHA'S administrating the housing choice voucher program. SEMAP includes 14 performance indicators and one bonus indicator. Each indicator is assigned a numerical value, based upon PHA performance.

During Fiscal Year 2009 we improved the MTCS transmissions to more than the 95% required.

During Fiscal Year 2009 we were working with an aggressive plan to increase the vouchers occupation level. The Municipality has 26 new participants selected from the Section 8 Waiting List.

With the objective of increase assisted housing choices to our participants we published a notice to prospective landlords in a general circulation newspaper and we revised the program payments standards.

ATTACHMENT # 2

PHA Plan Update

(a)Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:

(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.

A. PHA Plan elements revised during fiscal year 2009

The Payment standard is set by the PHA between 90% and 110% of the FMR/Exception rent.

The use of the 110% of the payment standard is strictly for those housing units recently built or rehabilitated which have been affected by the steep increase in the cost of construction materials and workmanship.

B. Location where the public may obtain copies of the Annual Plan-Fiscal Year 2010

Main Administrative office of the PHA located at:

Department of Housing and Federal Programs

Municipality of Mayaguez

123 Ramón Emeterio Betances Street, Mayaguez, Puerto Rico

PHA PLAN ELEMENTS:

1. ELEGIBILITY, SELECTION AND ADMISSIONS POLICIES, INCLUDING DECONCENTRATION AND WAITING LIST PROCEDURES

ELIGIBILITY POLICIES:

Extent of Screening Conducted by the Municipality of Mayaguez-Criminal or Drug-Related Activity only to the Extent Required by law or Regulation.

The Municipality request criminal records from state law enforcement agencies for screening purposes.

The Municipality DOES NOT access FBI criminal records from the FBI for screening purposes (either directly or through an NCIC- Authorized Source)

Kinds of information the Municipality will share with prospective landlords: Criminal or drug-related activity; family group member's information and name and address of the family's landlord that the agency knows of rent payment and utilities information.

Selection and Admissions policies, including de-concentration and waiting list procedures

Waiting List Organization:

The Municipality of Mayaguez has a Section 8 Tenant-Based assistance program waiting list that is not merged with other local or federal program waiting lists.

Interested persons may apply for admission to the Section 8 tenant-based assistance program at the Municipality of Mayaguez main administrative office-Department of Housing and Federal Programs.

Search Time:

The Municipality gives extensions on standard 60-day period to search for a housing unit under the following circumstances:

1. The participants demonstrate that they have sought housing, that they have been referred to compliance inspection with HQS, but that the housing has not passed the inspection and cannot be rented.
2. The participants demonstrate having a particular or special reason or justifiable impediment to find housing in a more active manner.

Admissions Preferences:

Income Targeting:

The Municipality Plans to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the Section 8 Program to families at or below 30% of median area income.

The Municipality of Mayaguez has established preferences for admission to Section 8 tenant-based assistance program.

The following are the preferences the municipality plans to employ during Fiscal Year 2010:

1. Involuntary displacement (Disaster, government action, action of housing owner, inaccessibility, property disposition)-First priority
2. Handicapped persons-Second priority

Among applicants on the waiting list with equal preference status, the applicants will be selected considering the date and time of the application.

Relationship of preferences to income targeting requirements:

Not applicable. The pool of applicant families ensures that the municipality will meet income targeting requirements.

Documents or other reference materials in which are contained the policies governing eligibility, selection and admissions to any special-purpose Section 8 Program administered by the Municipality:

1. The Section 8 Administrative Plan
2. Briefing sessions and written materials

The municipality announces the availability of any special-purpose Section 8 Programs to the public through published notices.

2. FINANCIAL RESOURCES

Financial resources that are anticipated to be available to the Municipality of Mayaguez for the support of federal public housing and tenant-based Section 8 assistance programs administered by the municipality during the Annual Plan Year:

Sources-Federal Grants	Planned $	Planned Uses
Annual contributions for Section 8 Tenant-Based Assistance	$3,200,000 (E)	Tenant-Based Assistance
Community Development Block Grant (CDBG)	$2,813,255 (E)	Housing and Community Development Activities
HOME	$1,104,688(E)	Housing Activities
Emergency Shelter Grants (ESG)	$125,839(E)	Homeless Activities
America Recovery and Reinvestment Act of 2009		
1. CDBG	$763,998	Housing and Community Development Activities
2. Homelessness Prevention Funds	$1,168,388	Homeless Prevention Activities
TOTAL	**$ 9,176,168**	

3. RENT DETERMINATION

Payment standards:

The Municipality of Mayaguez payment standards are the following:

1. At or above 90% but below 100% of fair market rent

2. above 100% but at or below 110% of FMR (special cases)

If the payment standard is lower than FMR the municipality has selected this standard because this reflects market or submarket.

The payment standards are reevaluated for adequacy annually. The municipality considers in its assessment of adequacy of its payment standard the success rates of assisted families.

Minimum rent established in the Municipality of Mayaguez - $26.00-$50.00

The Municipality has not adopted any discretionary minimum rent hardship exemption policy.

4. OPERATION AND MANAGEMENT

PHA Management Structure

An organization chart showing the Municipality of Mayaguez management structure and organization is included.

HUD Programs under PHA management:

Next a list of federal programs administered by the Municipality of Mayaguez, the number of families served at the beginning of the upcoming fiscal year and expected turnover in each.

Program Name	Units of Families Served at Year beginning FY 2010-2011	Expected Turnover
Section 8 Vouchers	821	30 - 40
Portability in	18	
Total	839	

Management Policies:

Next a list of the PHA'S documents, Manuals and Handbooks that contain the Municipality of Mayaguez rules, standards and policies governing Section 8 Management:

ADMINISTRATIVE PLAN; 24 CFR PART 982;24 CFR PART 888

5. GRIEVANCE PROCEDURES

The Municipality of Mayaguez has established informal review procedures for applicants to the Section 8 Tenant-Based Assistance Program and informal hearing procedures for families assisted by the Section 8 Tenant-Based Assistance Program in accordance with the federal requirements found at 24 CFR Part 982.

The applicants or assisted families will contact the PHA main administrative office (Department of Housing and Federal Programs) to initiate the informal review or informal hearing processes.

6. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES - NA

Section 8 only PHA are not required to complete this section.

7. COMMUNITY SERVICE AND SELF-SUFFICIENCY PROGRAMS

PHA Coordination with welfare (Tanf) Agency

The Municipality of Mayaguez has not entered into a cooperative agreement with a welfare (Tanf) Agency to share information and/or target supportive services.

Services and Programs offered to residents or participants

During fiscal year 2010 the Municipality of Mayaguez will coordinate, promote and provide a program to enhance the economic and social self-sufficiency of the Section 8 Participants.

TABLE: SERVICES AND PROGRAM

Program Name	Estimated Size	Allocation Method	Access	Eligibility
Family Self Sufficiency Program	25	At Random	PHA Main Office	Section 8 Participants

Required number of Participants-25

Actual Number of Participants-0

The Municipality is not maintaining the minimum program size required by HUD. Next a PHA plan to take to achieve at least the minimum program size:

1. Provide information to the participants about the FSS program

2. Select possible candidates

3. Counsel possible candidates

4. Follow-up the participants of the FSS program and potential participants

8. SAFETY AND CRIME PREVENTION

Section 8 only PHA are not required to complete this section.

9. PETS

Section 8 only PHA are not required to complete this section.

10. CIVIL RIGHTS CERTIFICATIONS

Civil rights certifications are included in the PHA Plan Certifications.

11. FISCAL YEAR AUDIT

The Municipality of Mayaguez is required to have an audit conducted under Section 5(h)(2) of the U.S. Housing Act of 1937.

The PHA submitted to HUD the most recent fiscal audit for fiscal year 2008 – 2009.

Amount of findings as the result of the single audit: NONE

Amount of findings that remain unresolved. NONE

Have responses to any unresolved findings been submitted to HUD: NA

SEE ATTACHMENT 13

12. ASSET MANAGEMENT

Section 8 only PHA are not required to complete this section.

13. VIOLENCE AGAINST WOMEN ACT (VAWA)

The Municipality of Mayaguez in compliance with public law 109-162 violence against women act (VAWA), Puerto Rico Public Law 54, Public Law 22, will provide and assist these families in need of help by all means possible. We will help with housing and refer them to all agencies prepared to handle these matters so that they can receive all the help needed.

We will not allow into our program any person that has been charged for the action mentioned above in and out of our jurisdiction; and in compliance with Puerto Rico Public Law 266, Art . 5, Art. 7 and the 24 CFR Part 982.553 regulations we will deny participation of such persons in our program.

The Municipality has adopted the following goals and objectives:

1. The applicant, tenant or victim will be treated with respect and dignity.

2. The municipality will notify voucher holders of their rights under VAWA, including the possible portability of voucher between jurisdictions to escape an imminent threat of further domestic violence or staking.

3. VAWA will be incorporated into the landlord and tenant orientation process.

Prohibition of sex offenders

The Municipality of Mayaguez will deny admissions if any member of the household is subject to a lifetime registration requirement under the state sex offender registration program.

Sex offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as sex offenders.

The PHA MIGHT refer identified people as sex offenders to agencies for help.

ATTACHMENT # 3

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 identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

The following table provide information about the housing needs in the Municipality of Mayaguez based upon the information contained in the consolidated plan for fiscal year 2005-2006 to 2009-2010 and U.S. census data; CHAS data set.

Family Type	Overall	Afford-Ability	Supply	Quality	Accessibility	Size	Location
Extremely Low Income(<=30% of AMI)	4807	5	5	4	5	3	4
Very Low Income(> 30% But<50% of AMI)	NA	NA	NA	NA	NA	NA	NA
Low Income(> 50% But<80% of AMI)	3605	3	3	3	3	3	2
Elderly	1442	5	4	4	5	4	4
Families with Disabilities	NA	NA	NA	NA	NA	NA	NA
Race/Ethnicity	NA	NA	NA	NA	NA	NA	NA

Overall, needs column= provide the estimated number of renter families that have housing needs for the remaining characteristics we rate the impact of that factor on the housing needs for each family type, from 1 to 5 (1=no impact; 5=severe impact; NA= no information available)

Housing needs of families on the Section 8 tenant-based assistance waiting list

	NUMBER OF FAMILIES	% OF THE TOTAL FAMILIES	ANNUAL TURNOVER
WAITING LIST TOTAL	42	100 %	25 -30
EXTREMELY LOW INCOME	38	90%	
VERY LOW INCOME	4	10 %	
LOW INCOME	0	0%	
FAMILIES WITH CHILDREN	33	78%	
ELDERLY FAMILIES	2	4%	
FAMILIES WITH DISABILITIES	1	2%	
RACE/ETHNICITY			

Actually the waiting list is closed.

ATTACHMENT # 4

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 form Annual Plan Submission with the 5- Year Plan.

STRATEGIES FOR ADDRESSING HOUSING NEEDS

1.Need: Shortage of Affordable housing for all eligible populations

Strategy #1: Maximize the number of affordable units available to the PHA within its current resources by:

Maintain or increase Section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction;

Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required. The municipality will assist the families in the waiting list identifying housing units based on their size of the needed HOME:

Maintain or increase Section 8 leased-Up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. The Municipality will publish notices inviting owners to participate in the Section 9 Program;

Participate in the Consolidated Plan development process to ensure coordination with the broader community strategies.

Strategy #2: Increase the number of affordable housing by:

Apply for additional Section 8 units should they become available;

Pursue housing resources other than public housing or Section 8 tenant-based assistance.

2. Need: Specific family types; Families at or below 30% median

Strategy #1 Target available assistance to families at or below 30% of AMI by:

Apply for additional vouchers targeted to these family type.

3. Need: Specific family types: families at or below 50% of AMI by:

Strategy #1 target available assistance to families at or below 50% of AMI by:

Apply for additional vouchers targeted to these family type.

4. Need: Specific Family Types: Families with Disabilities

Strategy #1 target available assistance to families with disabilities by:

To continue to give preference to these family type.

5. Need: Specific family types: Races or Ethnicity with Disproportionate Housing needs

Strategy #1 Conduct Activities to affirmatively further fair housing by:

Counsel Section 8 tenants as to location of units outside of the areas of poverty or minority concentration and assist them to locate those units;

Market the Section 8 Program to owners outside of areas of poverty/minority concentrations.

ATTACHMENT # 5

Progress in meeting five year plan mission and goals

Report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan

Lead Agency

The Municipality of Mayaguez designated the Department of Housing and Federal Programs with the task of preparing, directing, coordinating and submitting the Section 8 Program 5 Year Plan for fiscal years 2005 to 2010.

Worked with Urgent Needs

During the last 5 years we worked with the most urgent housing needs in our Municipality; specially providing affordable housing to very low, low and moderate income families in our jurisdiction.

Municipal (local) and federal funds (CDBG, HOME, ESG, HOPWA and Section 8 programs) funds were allocated for the development of housing activities such as housing rehabilitation, rental and homeownership assistance.

With Section 8 Program funds the PHA assisted annually 25 to 30 new households or families; complying with the Program Waiting List.

5 Year PHA Mission

We have worked to achieve the goals established in the 5 Year Plan providing rental assistance to very low income families with and without children; handicapped persons and elderly people in the Municipality. Our jurisdiction complied with the Mission of provide affordable housing; suitable living environment and expending economic opportunities free from discrimination.

SEMAP Evaluations

During the reported period we have many situations or problems that affected our HUD SEMAP Evaluations; receiving trouble to high performance evaluations. The most recent evaluation was **Standard**.

Improvement of Internal Controls / Technical Assistance

Improvements in the Section 8 Program were achieved and more effective internal controls were implemented. We received technical assistance from HUD Public Housing staff and from others PHA; likes Ponce when we had serious MTCS problems during the past fiscal year.

Effective Trainings

Our PHA have also worked with better Section 8 Staff training providing them the opportunity to participate on HUD seminars and workshops.

Waiting List

During the past 5 years we also worked with the revision of the Waiting List. Actually we have **only** 42 applicants; this is a great improvement for our program.

Working with the Vouchers Occupation

Many efforts have been made by the Section 8 Staff to achieve a high occupation percentage with the vouchers assigned to the PHA.

HUD CPD Division Consolidated Plan

During the 5 Years we also participated in the Consolidated Plan development process to ensure coordination with broader community strategies.

All the goals achieved are aimed at carrying out the City's Mission and goals established in the 5 Year Plan. Provide better housing assistance to families in need while at the same time providing services that would help to improve the quality of life and the environment in which these families reside.

High Quality Services and Next 5 Year Plan

It is very important to the Municipality of Mayaguez Section 8 Program Staff to provide high quality services to every participant. During the past 5 years and during the next year we will continue to identify those areas that require improvement to work with these to achieve the goals and objectives set forth in the next 5 Year Plan.

Fiscal Year 2009 – 2010

The Municipality of Mayaguez assisted 821 families during fiscal year 2009 with Section 8 Program funds, eighteen (18) portabilities were also administered; eight families that reside outside the jurisdiction received housing assistance.

During Fiscal Year 2009 the municipality received **a standard evaluation** at the SEMAP-Section 8 Management Assessment Program. SEMAP was designed by HUD as a tool to measure the performance of PHA'S administrating the housing choice voucher program. SEMAP includes 14 performance indicators and one bonus indicator. Each indicator is assigned a numerical value, based upon PHA performance.

During Fiscal Year 2009 we improved the MTCS transmissions to more than the 95% required.

During Fiscal Year 2009 we were working with an aggressive plan to increase the vouchers occupation level. The Municipality has 26 new participants selected from the Section 8 Waiting List.

With the objective of increase assisted housing choices to our participants we published a notice to prospective landlords in a general circulation newspaper and we revised the program payments standards.

ATTACHMENT # 6

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

The Municipality of Mayaguez has proposed to determine a substantial deviation from its five year plan if two or more of the established goals changed due to some circumstances; situations occurring while the plan is in effect.

We will determine a significant amendment or modification to its five year plan or annual plan if there is a drastic change in the Agency's basic policies, rules and/or requirements in the operation of the program, other programs that are being developed under Section 8 and/or the services that are provided to the participants.

The plans will also be amended if financial resources are changed 1/3 or more of the amount to be received in a specific year; all this in conformity with the 24 CFR Part 903.

ATTACHMENT 7

MUNICIPALITY OF MAYAGUEZ
DEPARTMENT OF HOUSING AND FEDERAL PROGRAMS
SECTION 8 PROGRAM'S
FAMILY SELF-SUFFICIENCY ACTION PLAN

OVERVIEW

The Department of Housing and Federal Programs of the Municipality of Mayaguez is committed to establishing and implementing a Family Self-Sufficiency (FSS) Program to help families who receive housing assistance achieve economic independence by utilizing an array of public and private resources. By coordinating housing assistance with needed support, the Municipality of Mayaguez will assist Section 8 participants reach their goals of economic independence and self-sufficiency.

The objective of the FSS program is to reduce the dependency of low-income families on welfare assistance and on Section 8 Housing assistance or any Federal, State or local rent subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, business and social skills necessary to achieve self-sufficiency.

Any Section 8 Program participant with a sincere desire to achieve self-sufficiency is assisted to perform a self-assessment to identify personal motivating factors as well as the family's strengths and barriers relative to achieving self-sufficiency. Mayaguez then assists participants to work their plans, providing emotional support during challenging times. At each step in the process, the Municipality of Mayaguez helps participants to motivate themselves and to improve their self-esteem.

Assisted housing is envisioned as serving two divergent populations. First, it provides a safety net for the elderly, handicapped and disabled whose biological, physical, or mental conditions will not permit entry or re-entry into the labor market. Second, assisted housing was, and still is, intended as a temporary resource for families who temporarily remain outside the workforce.

The Municipality of Mayaguez has targeted the female-head of family with small children at home; those faced with temporary dislocation from the labor market; those who are involuntarily without the means to provide housing for their families; and, those

whose present incomes are inadequate to otherwise provide decent, safe, and sanitary housing in the existing housing market.

The purpose of the FSS Program is to promote the development of local strategies to coordinate the use of housing assistance under the Housing Choice Voucher programs with public and private resources, to enable families to receive assistance under these programs to achieve economic independence and self-sufficiency. Under FSS, families are required to sign a **Contract of Participation**, which includes an **Individual Training and Services Plan** entered into between the housing agency and those members of the family who will be participating in the FSS program.

The Contract of Participation is usually effective for a period of five years but can be extended for a period of two years for "good cause." A major benefit to joining FSS is that families are allowed to establish an escrow account based upon the increase in earned income resulting from being employed. The funds saved can be used by the families for expenses such as homeownership or advanced educational opportunities.

A key component of FSS is the establishment of the **Program Coordinating Committee (PCC).** The PCC is responsible for overall implementation of the program including assistance in developing the Family Self-Sufficiency Program Action Plan and securing commitments of public and private resources for the operation of the program.

The FSS program will be administered at the Municipality of Mayaguez by staff of the Department of Section 8 working in close collaboration with the Program Coordinating Committee representing key community institutions; many that will be providing services to FSS participants.

A cornerstone of this program is the multi-disciplinary review and coordination of family strategies through the PCC and the leveraging of community resources such as social service programs, human resources and other financial resources from both the public and private sectors to support family goals.

The basic objectives of the Municipality of Mayaguez's Family Self-Sufficiency Program are as follows:

- Provide low-income families with basic life skills, educational advancement, academic and vocational counseling, job training/search activities which leads to successful employment referral and placement.
- Assist families to make the transition from "welfare to work" by providing job training, support and employment search services.
- Decrease the length of time families' stay in assisted housing.
- Provide adequate social and support services, as client needs dictate.

There are also certain basic programmatic assumptions that must be considered when implementing an FSS program.

- Except for those who cannot be expected to work full-time due to circumstances beyond their control (i.e. age, health or physical ability), every family in subsidized housing will be made aware of FSS and encouraged to undertake the transition to the private housing market within a reasonable period of time after entering assisted housing.
- Every family accepted in the FSS program accepts responsibility for seeking to achieve the objective of preparing themselves for the return to unsubsidized living arrangements.
- In implementing the FSS program, the service provider makes a commitment through a Memorandum of Agreement to assist the participating family in preparing themselves for the transition to unsubsidized housing.
  Such a commitment implies that sufficient jobs are, or will be, available to consistently employ people at wages adequate to support families at a standard of living above the maximum allowable for receiving assistance.
- Each family will demonstrate a uniquely different set of needs and concerns, which will demand unique strategies for addressing those needs.
- Local agencies administrating needs-based programs are able to determine how best to respond to the unique needs of the families within their jurisdiction and should be given flexibility in applying the rules and regulations in order to meet the unique needs of individual families.
- It is not unusual for former public assistance recipients to fail in their first attempts to secure employment, which means the FSS program must provide intensive focus on both job retention issues and facilitating multiple placements (**career pathways**) for residents until the job “fit” is right.

PROGRAM MANAGEMENT

The Family Self-Sufficiency Program is managed by the Municipality of Mayaguez’s Department of Section 8 Family Self Sufficiency Staff. This Staff will coordinate the day-to-day activities of the program, reporting to the Director of Section 8 who reports directly to the Executive Director of the Department of Housing of Mayaguez.

The overall mission of this office is to provide support and address the job readiness, job training and placement, and human service needs of Section 8 participants. Through these expanded efforts, the Municipality of Mayaguez aims to improve the economic self-sufficiency of working adults, promote the academic achievement and

career development of youths and maximize the extent to which seniors can live healthy and independent lives.

To support the Agency's FSS efforts, the Municipality of Mayaguez has a FSS Program Coordinator. The FSS Coordinator is responsible for identifying and assessing family skills and needs by utilizing interviews, written assessment tools and home visits. The Individual Training and Services Plans will be developed as a part of the Contract of Participation. The FSS Coordinator will provide ongoing monitoring and support to families in meeting their goals and advocate for services as needed. The FSS Coordinator will also work with other municipal staff to insure FSS families are in compliance with their housing assistance.

Although the FSS Coordinator will assume responsibility for organizing the Family Self-Sufficiency Program, the Program Coordinating Committee (PCC) will link housing, job training and apprenticeships, family and individual counseling, drug and alcohol treatment and counseling and career development with subsidies for food stamps, Medicaid, child care and other transfer payments in a more consistent and coordinated manner.

The PCC, along with Family Self-Sufficiency staff, will make recommendations concerning policy and regulatory adjustments in the administration of the program. The Committee will be involved with the implementation in the following manner:

- Assist in securing educational advancement, supportive services and employment opportunities in the public and private sectors.
- Provide linkages with regard to home ownership for the participants.

The Municipality of Mayaguez enjoys cooperative relationships with a variety of agencies and has been able to enlist commitments from a number of the major providers of services to low-income families as well as those currently on public assistance. Support from such service providers is essential to the Municipality of Mayaguez to assist FSS families meet their goals. Those service agencies committed to implementing the FSS program along with their level of service is provided in **Section V**.

I. FAMILY DEMOGRAPHICS

The Municipality of Mayaguez's Family Self-Sufficiency Program is designed to increase the availability for those most in need of subsidized housing by assisting families already receiving housing assistance in making the transition back into the private housing market. FSS seeks to accomplish this by providing the opportunity for low-

income families to achieve their goals of economic and social independence through employment and home ownership or some other non-subsidized living arrangement.

To accomplish these objectives, the families eligible for consideration for FSS must be Section 8 participants. The head of household in the target universe for the Municipality of Mayaguez s Family Self-Sufficiency Program will be 92% female and 8% male. The following is a breakdown of the Municipality of Mayaguez's target population.

Male	Female	Regular	Handicapped	Elderly	Hispanic	Total
48	521	538	31	50	569	569

ANALYSIS OF REQUIRED SUPPORTIVE SERVICES

To identify the ever changing needs of the Municipality of Mayaguez potential FSS families, the Municipality intends to periodically send survey letters to all Section 8 participants. The Section 8 families will be asked to answer questions soliciting information about why they are interested in the program and what supportive services they feel are needed.

II. ESTIMATE OF PARTICIPATING FAMILIES

The Municipality of Mayaguez intends to provide supportive services to 25 Section 8 participants. This figure is based upon available resources including Section 8 Administrative fees, HOME Program funds, federal operating reserves as well as the scope of supportive services needed to assist potential FSS families that have already been secured.

Based upon the results of the survey letters sent to all eligible Section 8 families, the Municipality of Mayaguez will continue to expand its base of services and agency involvement to service additional families who have other identified needs.

In addition, one of the major functions of the PCC is to determine what resources are needed and available in the community that can be mobilized to service FSS participants. As new providers are recruited by the Municipality of Mayaguez and the PCC, additional families may be served.

FSS recruitment efforts will be directed towards Section 8 residents and Section 8 Waiting List applicants.

III. FSS FAMILY SELECTION PROCEDURES

PROGRAM REQUIREMENTS

FSS is a voluntary program for Section 8 participants. However, FSS Staff will be aggressive in their recruitment efforts and will attend all Section 8 briefings.

To qualify for the FSS Program Participants must comply with the following:

- Participants must complete a Needs Assessment Questionnaire.
- Participants must complete an Individual Training and Services Plan (ITSP) and agree to fulfill all requirements of the family needs assessment in any areas identified.
- The head of household to have an eighth grade reading level and be ready to complete high school, Technical Course or GED requirements.
- Participants must agree to sign authorizations for release of children's school records and agree to services in any areas identified.
- All family members over 18 must be willing to participate in educational and employment assessments.
- Participants shall demonstrate commitment by keeping all scheduled appointments.

APPLICATION PROCESS

Families in the Municipality of Mayaguez Section 8 Program will be asked to complete an **FSS Application Form**, which indicates their interest in providing household information necessary to initiate consideration. The Form also acts as a release of information document in order that staff may initiate discussions with other needs-based programs regarding benefits the family may be receiving or be eligible for under the program. The FSS Application also permits FSS staff to review the family's tenant folder in order to complete the Contract of Participation.

Once a family has submitted the Application, staff reviews all available information concerning family composition, income, service needs, and other relevant factors. After

this review, the family head of household will complete a Needs Assessment Questionnaire.

This Assessment will allow the family and the FSS Staff to shape and develop needs and interests.

The FSS Staff, in conjunction with the family, then begins to complete the Individual Training and Services Plan and the family specific Contract of Participation (HUD Form 52650-S). At this stage, the adult members may also participate in educational testing and job skills identification exercises to assess the employability level of the designated head of household, individual service needs of each family member and what services and agencies, if any, will be needed by the family.

The completion of the Contract of Participation and Individual Training and Services Plan will be finalized with the approval of the Program Coordinator. Upon approval, the FSS Coordinator and FSS participant discuss the final goals and the Contract is signed.

If all available slots are filled before the list of families interested is exhausted, those remaining will be placed on a waiting list and will be offered a slot if a participating family leaves the program or, if the Municipality of Mayaguez determines it has the capacity to increase program size. Family selection from the waiting list shall be accomplished (1) based upon the length of time the family has been a Section 8 participant or (2) date the family expressed an interest in the FSS program.

The Municipality of Mayaguez believes that motivation of families is key to ensuring the participant family is interested in the FSS program. A family must attend an FSS orientation or briefing as well as pre-selection interviews and submit to a home visit. By requiring the family to complete certain tasks, such as the FSS Application and family assessment, the Municipality of Mayaguez is providing an opportunity to measure the family's willingness to undertake the obligations, which will be required under the Contract of Participation

IV. INCENTIVES TO ENCOURAGE PARTICIPATION

Developing a comprehensive incentive plan is key to selling the benefits of FSS to housing assisted families during recruitment efforts. As a result, the Municipality of Mayaguez has integrated the following incentives:

- The FSS Coordinator will oversee the family's progress towards successfully completing the program. Intensive case management is the single most important element of a successful self-sufficiency program.

- Establishment of participant escrow accounts so that families can save money for homeownership, further education or other specified purposes. Funds from the escrow account are normally disbursed to the family upon completion of the Contract of Participation.

- Priority placement in other Municipality of Mayaguez funded supportive services programs such as those provided by the HOME Program.

- Access to a wide range of supportive services such as the computer training, adult education and training, jobs database and family health programs.

- Customized needs assessments and skills aptitude assessments so that family members can develop realistic, attainable employment goals.

- Intensive support and counseling job readiness, search and initial employment phases. Ongoing activities include resume development, interviewing skills, time management and other skills identified as necessary for the individual participant to secure employment.

- Peer support groups and mentors shall be available.

- Monthly public relations/media stories shall be used to give the program a positive identity for participants.

- Other incentives will continue to be identified and added to the Municipality of Mayaguez's Family Self-Sufficiency Program.

V. OUTREACH EFFORTS

Program outreach and recruitment is an ongoing component of FSS and will be conducted in the following manner. All eligible families living in assisted housing will be informed of the FSS program through a media campaign, newsletters and direct mailings. After exhausting the list of existing Section 8 participants, the Municipality of Mayaguez intends to notify applicants on the waiting lists that are near receiving their housing subsidy.

Section 8 participants will be informed of the program at their annual recertification by their Technicians. Follow up contact will be made by the FSS Staff.

FSS Staff will review all Section 8 participants records annually to conduct an analysis of income to identify those families that received earned income that are not currently participating in the FSS Program. Those families will be contacted for recruitment.

FSS Staff will conduct FSS informational meetings on a regular basis to current, future and prospective Section 8 participants as well as attend Section 8 Briefing sessions for new program participants.

Residents will also be able to schedule individual meetings with FSS staff to answer family specific questions. During these informational meetings, potential applicants will be informed of program incentives and requirements. Staff will try to interest and motivate residents about FSS by emphasizing the connection between changes in federal and state welfare rules and the potential benefits of FSS participation including escrow savings and individual family support services.

The informational meetings will give families an insight into the program. Applications will be available for potential applicants at the meetings. FSS staff will also encourage families to participate in educational, job training and employment opportunities being offered regardless of their status in the FSS program.

One of the most successful methods of FSS recruitment into the self-sufficiency program occurs through peer networking/counseling. As families begin to reap the benefits of FSS, they will share their experience with other residents, which increase the credibility of the program. In other words**,** a successful FSS program eventually sells itself.

VI. FSS ACTIVITIES AND SUPPORTIVE SERVICES

PROGRAM STRUCTURE

The Family Self-Sufficiency Program is intended to assist low-income families achieve the American dream of true upward mobility. The application, needs assessment and selection steps previously detailed are designed to ensure that each FSS participant has a solid, achievable plan for economic self-sufficiency backed by appropriate supportive services. The FSS Program seeks to accomplish this through two different levels of assistance to each family who participates in the program.

The first of those levels (**Remediation Stage**), seeks to address barriers to successful achievement resulting from educational and training deficiencies. The second level (**Transitional Stage**) seeks to build upon the first level by providing opportunities for

financial and investment counseling, homeownership and budgeting seminars, minor repair and maintenance training and other experiences which enhance their probability of success once they have made the transition.

A. Remediation Stage

The first phase of FSS is characterized as the **Remediation Stage** during which time an Individual Training and Service Plan (ITSP) is established for each adult member of the household. This phase may last up to two years (this stage may be extended provided MSJHA finds good cause exists for granting such extension). This extension ensures that each participant is ready to move on to the **Transitional Stage**. No participant should fail due to lack of time allowed in the early stages of their educational/training plan. During this extension, all members of the household will work towards completing the Individual Training and Service Plan. These commitments, plus those of the Municipality of Mayaguez to the family, will be finalized as part of ITSP between the family and the Agency. The provisions of the Individual Training and Service Plan are as follow:

- Commitments by the Municipality of Mayaguez to make available the resources and services described in the Individual Training and Service Plan.

- Agreement by the family to participate in the programs and activities prescribed by the ITSP.

- A statement indicating the participant's rights to request an extension of the Remediation Stage provided that the Municipality of Mayaguez finds that good cause exists for granting the extension.

- A termination statement indicating that failure to complete the commitments in the ITSP will cause the family to be terminated from the FSS program at the end of the Remediation Stage.

In order to assist the family in identifying and overcoming the barriers to re-entry into labor and private housing markets, diagnostic and employability analyses will be undertaken during the waiting period and prior to formal participation in the program. The Individual Training and Services Plan will be developed by the program staff, in conjunction with the head of household, prior to formal program participation. This plan will serve as a contract between the program and the family regarding each party's responsibilities and understandings regarding the implementation of the plan and shall

be attached as an Exhibit to the Contract of Participation at the start of the program. The Individual Training and Services Plan may be modified at any time by written agreement of all parties.

During the **Remediation Stage**, program staff, in conjunction with staff from other needs based or state and federally funded programs, shall work with the family to implement the plan. Activities to assist the family might include:

- Remedial education and literacy classes
- High school completion or equivalency
- Job training and preparation
- Pre-employment/personality development
- Health/dental
- Child care
- Transportation
- Life management skills
- Substance abuse treatment and counseling
- Family services
- Homemaking skills and parenting
- Money management
- Investment counseling

The **Remediation Stage** is included to provide an opportunity for families to receive the kinds of services, education and training which would move them from a marginal employment situation to one in which there is an opportunity for career advancement. Some families may have genuine ambition but have been kept from obtaining an education or job training experience due to circumstances beyond their control. Section 8 tenants will pay rent increases as calculated and the Municipality of Mayaguez will make escrow payments on their behalf as defined in **24 CFR Part 984.305**. Some families may need minimal assistance and will be ready to enter the **Transitional Stage** within only a brief time after entry into the program and placement in the **Remediation Stage**.

The Municipality of Mayaguez will implement a mentor program that pairs FSS families with program graduates so the family will have someone to turn to for advice outside of the realm of the Municipality of Mayaguez or the supportive services community formally involved with the family. It is the hope of the Municipality of Mayaguez that the mentor program will promote a level of trust between family members and the mentor that may not be attainable within the structure of the Municipality of Mayaguez and FSS

program staff, and that this trust will allow families to more candidly discuss their reservations and fears about the program and the steps necessary to move from remediation to transition and eventual independence from assisted housing.

After a family has successfully completed the FSS program, the Municipality of Mayaguez will attempt to enlist those families to serve as mentors for new participants, thereby providing a tangible example of the program's ability to assist families in attaining their goals of economic independence and self-sufficiency.

B. Transitional Stage

At the end of the **Remediation Stage**, the family will undergo reassessment and counseling to determine the probabilities of successful completion of the **Transitional Stage**. The family will sign a Contract Addendum spelling out the conditions under this next phase, including:

- A five year limitation on participation in the program, unless an extension has been granted from the Municipality of Mayaguez, and their residency in assisted housing;

- A description of the manner in which rental payments will be calculated and the accumulations under an escrow savings account, as well as a description of the escrow savings account and the participant's access to such account at the end of the program consistent with **24 CFR 984.305**.

- The participant's and the Municipality of Mayaguez's obligations during the **Transitional Stage**; and,

- The conditions under which a family or person may terminate or be terminated from the FSS program.

The contract with the family will end if the family has completed their obligations under the Contract of Participation, including the requirement of each Individual Training and Services Plan and the condition that the head of each FSS family has obtained and maintained suitable employment and, for each participating FSS family that is a recipient of welfare assistance, a certification that they have been independent from such assistance at least one year before the expiration date of the term of the contract.

The **Transitional Stage** is designed to permit the family time to accumulate sufficient savings so that it will be able to either make a substantial down payment on a home or, otherwise, prepare for long term housing in the private rental market. During this stage, the program staff will continue providing counseling and supportive services to insure participant success once they leave the program. This stage will cover a period not to exceed five (5) years (unless an extension is granted under the terms explained under the Contract of Participation), during which time the following will occur:

1.The head of household and/or adult family members will be expected to be engaged in full-time employment over the life of the contract. If unemployed at any time during the terms of the FSS Contract, the head of household should be expected to meet with the Municipality of Mayaguez's FSS Staff.

2.Counseling and assistance in home ownership, money management, work habits, employee-employer relations, and other areas of problem solving will be provided families at monthly workshops or through individual counseling sessions, if necessary. Assistance will include further job training in more technical areas to improve employability and longevity on the job through training programs.

3.FSS Section 8 families pay rent to the owners in accordance with the normal procedures and the Municipality of Mayaguez's housing assistance funds, paid by HUD, will be utilized for the FSS escrow deposit.

a. During the term of the FSS Contract of Participation, the Municipality of Mayaguez calculates the escrow amount for each family using HUD's escrow credit worksheet. The amount of escrow varies depending upon the income of the family and is only initiated when earned income increases after execution of the Contract of Participation.

b. "Escrow savings account" credits reflect the difference between earned income at the beginning of the Contract of Participation and any increase in earned income after this date.

4.If a family member becomes temporarily disabled or ill which results in a loss of income during the **Transitional Stage**, or if a family member loses his or her job as a result of general layoffs or plant closings or other reasons beyond the control of the individual, the Contract of Participation may be extended up to two years to reflect these circumstances beyond the family's control

5.If a Section 8 family decides that it does not wish to honor the terms of the Contract of Participation and drops out of the FSS program for reasons other than disability of if the family is terminated from the program for good cause as specified in the Contract, the escrow account will not be refunded.

6.Participating FSS families may request an Informal Hearing, in accordance with the Administrative Plan, be held by the Municipality of Mayaguez to consider whether the Department of Housing's decision to terminate supportive services and/or Section 8 assistance

7.It is anticipated that the PCC, in conjunction with local financial institutions and the Municipality of Mayaguez, will advocate with local government the availability of low-interest loans for persons to purchase homes in the private market, and will also advocate for the provisions incentives to ensure the availability of moderately priced housing in the private market.

VII. ACTIVITIES AND SUPPORTIVE SERVICES

To complement FSS services provided by the Municipality of Mayaguez, the Municipality relies on a number of cooperative relationships with a variety of agencies experienced with providing services to low-income families. Support from such private and public agencies is essential if the Municipality of Mayaguez is to assist FSS families reach their goals.

The FSS program has solicited support from federal, state and local governmental agencies and human service organizations in the Municipality of Mayaguez area.

The following is a sample of programs available to FSS families:

Community Outreach: Community organizing, resident orientation, technical assistance, and organizational support to resident councils.

Family Support Services/Economic Development Programs: Family support programs, counseling, adult education, employment and training programs, Adult Basic Education (ABE), child care, transportation, employment opportunities and homeownership activities.

Youth Development: Child care, on-site educational and recreational programs, teen peer leadership focusing on health issues, after-school health programs, adolescent health education programs, parenting classes, teen pregnancy prevention programs, adolescent violence prevention, youth job training and education, group and individual therapy, summer youth employment opportunities.

Drug Prevention, Education and Treatment: Community organizing, outreach and counseling programs, off-site intervention and treatment programs, substance abuse prevention training and family support services.

Major services to be provided by Service Providers are:

- Programa de Adiestramiento y Empleo

  Provides training and employment

- Programa HOME

  Provides assessment, homeownership training and qualification for a mortgage loan

- Departamento del Trabajo

  Provides case management, assessment, pre-employment instruction (1st Step), vocational skills training, job seeking instruction, placement assistance, retention services, and placement with JOBS and WIA programs.

- Consumer Credit

  Provide credit repair and counseling

- Departamento de Educacion

  ABE/GED preparation, computer training, adult education

VIII. METHOD FOR IDENTIFICATION OF FAMILY SUPPORT NEEDS

There are several methods that will be used to assist FSS staff identify the social service needs of the participants as well as deliver those services and activities to the families. First, the Department of Housing intends to send a survey letter to all Section 8 participants. The Section 8 families will be asked to answer soliciting information about why they are interested in the program and what supportive services they feel are needed.

Based upon results of this survey letter, the Municipality of Mayaguez will seek to expand its base of services and agency involvement. As previously discussed under V. Outreach Efforts, the Municipality of Mayaguez will also actively recruit for the program through a media campaign, newsletters and direct mailings.

Additional information will be gathered during the completion of the FSS Application Form as well as during the testing that occurs when staff and potential FSS families complete assessment tools that are used to determine family goals as well as barriers to achieving self-sufficiency.

Identification of initial family needs are identified in the Individual Training and Services Plan, which is incorporated in the Contract of Participation.

Finally, FSS staff and the Program Coordinating Committee continue to gain an understanding of family needs as the program grows and they see first hand how each family has specific issues that must be addressed.

The delivery of services by the Municipality of Mayaguez will determine the success of the self-sufficiency program efforts. The FSS Program will be administered by the FSS Program Coordinator. It is the responsibility of the Coordinator to insure that services, which were committed by the Municipality of Mayaguez, are available and delivered. The Coordinator will be responsible for identifying and assessing family skills and needs utilizing interviews and written assessment tools. The Coordinator will develop the Individual Training and Services Plan (ITSP) and the Contract of Participation. Outside agencies such as Departamento del Trabajo and Programa HOME may also provide assessment, development of the ITSP and case management services. The Coordinator will maintain regular contact with their FSS families, which helps build trust between the participants and the Department of Housing .

The FSS Program Coordinator shall execute the contract after receiving the assessment and ITSP from the family's caseworker. The Coordinator provides periodic monitoring and tracking of each FSS family. The FSS Coordinator will provide ongoing monitoring and support to families in meeting their goals and advocate for services as needed. In addition, a 30-day initial case review up to 120 days case review system as been established to insure families are on track and meeting their obligations. FSS Coordinator maintain a working relationship with the service providers and take appropriate action if service delivery is not appropriate. The Coordinator will update and revise the service provider network if they are not meeting the needs of the FSS families. The Municipality of Mayaguez will utilize both internal, including FSS participants and external resources to monitor program effectiveness.

IX. PROGRAM TERMINATION; WITHHOLDING OF SERVICES; AND AVAILABLE GRIEVANCE PROCEDURES

The Contract of Participation may be terminated before the expiration of the term by any of the following:

- Section 8 assistance is terminated
- When the Municipality of Mayaguez determines that the head of household or other participating family member has failed to fulfill the terms of the Contract of Participation, including compliance with the Section 8 lease, and any extension thereof
- Withdrawal of the family from the FSS program
- Mutual consent of both parties
- By such other act as is deemed inconsistent with the purpose of the FSS program
- By operation of law

The FSS Contract of Participation provides that the family must comply with the assisted lease. In Section 8, serious and repeated violations of the lease are grounds for termination of assistance. Therefore, serious and repeated violations of the lease would be grounds for termination of the FSS contract as well as termination of housing assistance.

The decision to terminate a Section 8 family from their housing assistance will be made by the Section 8 Director in accordance with the program regulations. It is important to note that Section 8 is not required to terminate Section 8 assistance as a result of removal from the FSS Program. The Municipality of Mayaguez may also temporarily suspend participation in the program to allow the family to become compliant.

X. TIMETABLE FOR PROGRAM IMPLEMENTATION

The Municipality of Mayaguez's Family Self-Sufficiency Program will begin on July 1,2008. Within this time frame, the Municipality of Mayaguez hired a FSS Coordinator, who began outreach, participant selection and enrollment activities.

It is understood that the Municipality of Mayaguez must complete enrollment of the total number of families required to be served under the FSS program (minimum program size), and must have begun delivery of supportive services within the next three years.

Currently, the Municipality of Mayaguez's minimum Section 8 FSS Program size is 25.

XI. CERTIFICATION OF COORDINATION

The Family Self-Sufficiency Program will be operated under the direction of the Municipality of Mayaguez's Section 8 Program, which will help insure close coordination and effective utilization of services.
The Municipality of Mayaguez certifies that the development of the services and activities under the Family Self-Sufficiency Program has been coordinated with the Job Opportunities and Basic Skills (JOBS) Training Program under Part F of Title IV of the Social Security Act; the programs provided under WIA and any other relevant employment, child care, transportation, training and education programs in the Municipality of Mayaguez area.

The Municipality of Mayaguez further certifies that implementation will continue to be coordinated in order to avoid duplication of services and activities.

XII. ADDITIONAL INFORMATION

RECORD KEEPING AND PROGRAM EVALUATION

The key to determining whether the concepts and philosophies underlying the Family Self-Sufficiency Program outlined in this Action Plan are accurate and the program effective is found in the design of the project and the record keeping which will take place.

The Municipality of Mayaguez's intent is to insure that adequate baseline and process information will be available through which the program can be monitored and evaluated by the Family Self-Sufficiency Coordinator and others as approved by the Department of Housing and Federal Programs Executive Director and is operated in accordance with the Municipality of Mayaguez's Section 8 Administrative Plan.

ATTACHMENT 8

Housing Choice Vouchers Program

Mayaguez Housing Authority

Administrative Plan

Adopted: May 2007

Municipality of Mayaguez Housing Choice Voucher Program Administrative Plan

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Chapter 1

Statement of Policies and Objectives

A. Introduction

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1975, which recodified the U. S. Housing Act of 1937. The act has been amended from time to time, and its requirements, as they apply to the Housing Choice Voucher (HCV) Program, are described in and implemented through this Administrative Plan.

Administration of the HCV Program and the functions and responsibilities of the Mayaguez Housing Authority (MHA) staff shall be in accordance with the Housing Agency's (HA) Personnel Policy and the Department of Housing and Urban Development's (HUD) HCV Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

B. Local Objectives

The HCV Program is designed to achieve three (3) major objectives:

1. To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.
2. To promote freedom of housing choice and spatial deconcentration of very low income families of all races, and ethnic backgrounds
3. To provide an incentive to private owners to rent to very low income families by offering and providing timely Housing Assistance Payments (HAP).

In addition, MHA has the following goals for the program:

1. To assist the local economy by increasing the occupancy rate and the amount of money flowing in the community
2. To encourage self sufficiency of HCV participant families; and

3. To encourage Homeownership amongst eligible HCV participants.
4. Improve Voucher management (SEMAP score)
5. Increase/Improve customer satisfaction and to improve the service delivery system in the Assisted Housing division at MHA.

C. Purpose of the Administrative Plan

The purpose of the Administrative Plan is to establish policies for carrying out the program in a manner consistent with HUD requirements and local objectives. The plan covers both admission and continued participation in the HCV program. Policies are the same for both procedures unless otherwise noted.

MHA is responsible for complying with all changes in HUD regulations pertaining to the HCV and other related programs. If such changes conflict with this Plan, HUD regulations will supersede.

D. Fair Housing Policy

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

MHA shall not deny any family or individual the opportunity to apply for or receive assistance under the HCV programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age family or marital status, disability or sexual orientation.

To further its commitment to fully comply with applicable Civil Rights laws, MHA will provide Federal, State and local information to HCV Voucher holders regarding “discrimination” and any recourse available to them if they are victims of discrimination. Such information shall be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the applicant briefing. Furthermore, MHA will advise all families at the briefing to report suspected discrimination to HUD.

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

Posters and housing information are displayed in locations throughout MHA’s office in such a manner as to be easily readable from a wheelchair. MHA offices are accessible to persons with disabilities.

E. Service Policy/Accommodations

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with MHA. When MHA initiates contact with a family including when a family applies, and when MHA schedules or reschedules appointments of any kind.

It is the policy of MHA to be service-directed in the administration of its housing programs, and exercise and demonstrate a high level of professionalism while providing housing services to the families within MHA's jurisdiction.

MHA"s policies and practices will be designed, to extent feasible, to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the HCV program and related services. The availability of specific accommodations will be made known by including notices on MHA's forms and letters to all families, and all requests will be verified so that MHA's can properly accommodate the need presented by the disability.

Reasonable accommodation will be granted for persons with a disability who require an advocate or accessible offices. A designee will be allowed access to some information, but only with the permission of the person with the disability.

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

Verification of a Request for Accommodation

- All requests for accommodation or modification must be supported and verified by a reliable knowledgeable professional indicating the accommodation is required.
- MHA utilizes organizations that provide assistance for hearing-and sight-impaired persons when needed.
- A list of accessible units will be provided.

Federal American with Disabilities Act of 1990

With respect to an individual, the term "disability" means:

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

Those regarded as having such impairment may include those conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.

Individuals with contagious diseases who do not pose a direct threat to others are covered by the Act. Persons with AIDS and those who tested positive for the HIV virus are considered to have a disability.

F. Undue Hardship

Requests for reasonable accommodation will be granted, provided that the accommodation will not create an “undue financial and administrative burden” for MHA. In determining whether an accommodation would create an undue hardship, the following factors will be taken into consideration:

- Nature and cost of the accommodation required;
- Number of applicants and participants who do not speak English and speak the other language
- Overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and

- Number of families likely to need such accommodation, the impact on expenses and resources, or the likely effect on the operation of the program as a result of the accommodation.

G. Translation of Documents

MHA will provide bilingual staff and will be aided by organizations with bilingual staff to assist non-English speaking families in the following language, Spanish .

In determining the feasibility of translating documents into another language, MHA will consider the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and the other language.
- Estimated cost to MHA per/client of translation of English written documents into another language; and
- Availability of local organizations to translate documents, letters and forms for non-English speaking families
- Availability of bilingual staff to provide translation for non-English speaking families

H. Family Outreach

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

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

MHA will communicate the status of housing availability to other service providers in the community, including agencies serving individuals with special needs, to advise them of the HCV program eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

I. Owner Outreach

MHA encourages owners of decent, safe and sanitary housing units to lease to HCV families. MHA maintains a list of interested landlords/list of units available for the HCV program and updates the list at least every sixty (90) days. When listings from owners are received, they will be compiled by MHA staff by address location.

MHA will actively recruit property owners with property located outside areas of poverty or minority concentration, and if applicable, will grant or apply for exception Payment Standards to make housing located outside of areas with high poverty and minority concentration available. Additionally, MHA periodically evaluates the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.

The MHA staff initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed materials are offered to acquaint owners and managers with opportunities available under the HCV program.

MHA conducts annual meetings with participating owners and prospective landlords to improve relations and to recruit new participating owners

J. Privacy Rights

All applicant and participant household members 18 years of age or older must sign a HUD 9886 Authorization for Release of Information form. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

MHA’s policy concerning release of information is in accordance with State and local laws which may restrict the release of family information

All information related to the participant/applicant is regarded as confidential and will be retained in separate file folder and located in a secure location. The personal information in this file folder must not be released except on an “as needed” basis and will not be discussed unless there is a business reason, to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

The MHA staff person who signs as utilizing the file is responsible for its security. Files will never be left unattended or placed in common areas.

In accordance with HUD requirements, MHA will furnish prospective owners with the family’s current address as shown in MHA records and, if known to MHA, the name and address of the landlord at the family’s current and prior address.

A statement of MHA’s policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

K. Equal Employment Opportunity

MHA’s recruitment practices will apply aggressive outreach to community-based racial and ethnic groups so that the composition and culture of the staff reflects the composition and culture of the community, to the extent possible. All MHA job postings will display the affirmative action/equal employment opportunity logo and slogan prominently.

L. Rules and Regulations

This administrative Plan is set forth to define MHA’s local policies for operation of the HCV and related programs in the context of Federal laws and Regulations. All issues related to assisted housing not addressed in this document are governed by Federal regulations, HUD Notices/Memos, guidelines, and other applicable law.

M. Jurisdiction

The jurisdiction of MHA is the Mayaguez Puerto Rico Metropolitan Statistical Area.

N. Monitoring Program Performance

MHA policies, procedures, and tracking systems are designed to respond to the goals, objectives, and performance measures of HUD’s Section Management Assessment Program (SEMAP). To comply with HUD and other pertinent regulations, MHA will maintain records, reports and other documentation for a period of time that is in accordance with HUD requirements and in a manner that

will allow an auditor, housing professional or other interested parties to assess MHA's operational procedures objectively and accurately.

Records and reports will be maintained for the purpose of complying with the following SEMAP performance measures:

- Indicator 1. MHA has written policies in its administrative plan for selecting applicants from the waiting list, and MHA follows these policies when selecting applicants for admission from the waiting list.
- Indicator 2. MHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units.
- Indicator 3. At admission and reexamination, MHA verifies and correctly determines adjusted annual income for each assisted family and, where the family is responsible for utilities under the lease, MHA uses the appropriate utility allowances in determining the gross rent.
- Indicator 4. MHA maintains an up-to-date utility allowance schedule.
- Indicator 5. A MHA supervisor or other qualified person re-inspects a sample of units during the fiscal year of MHA year, numbering at lease 19 of the number of units under contract during the last completed fiscal year for quality control of HQS inspections.
- Indicator 6. Following each failed HQS unit inspection, any cited life-threatening HQS deficiencies are corrected within 24 hours and all other cited deficiencies are corrected within 30 calendar days from the inspection date or any MHA approved extension.
- Indicator 7. MHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration
- Indicator 8. Initial gross rents for units, do not exceed the FMR, and voucher payment standard do not exceed the current applicable FMR or HUD approved exception rent limit and are not less than 90% of the current FMR/exception rent limit, unless otherwise approved by HUD.
- Indicator 9. MHA completes a reexamination for each participating family at least every twelve (12) months
- Indicator 10. MHA correctly calculates the family's share of the rent to owner in the voucher program
- Indicator 11. Newly leased units pass HQS inspection on or before the beginning date of the assisted lease and HAP contract.
- Indicator 12. MHA inspects each unit under contract at least annually
- Indicator 13. MHA executes HAP contracts on behalf of eligible families for the number of units under budget for at lease one year
- Indicator 14. MHA has enrolled families in FSS program as required and has made progress in supporting FSS as measured by the percentage of current FSS participants with escrow account balances.

Chapter 2

Eligibility for Admissions

A. Introduction

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

B. Eligibility Factors

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by MHA. HUD eligibility criteria are:

1. Applicant must meet MHA’s definition of a "family."

2. Household’s annual income must be within the appropriate Income Limits.

3. Each member of the applicant household must certify to citizenship or eligible immigrant status.

4. All household members ages six and older must furnish their social security numbers, or certify that they do not have one.

5. Persons evicted from any public housing agency, Section 23 or any Section 8 program for drug-related or criminal activity are ineligible for a minimum of three years from the date of eviction. See the Chapter on “Termination of Assistance.”
6. The Head of household must be 21 years of age or an emancipated minor.

The family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors. Evidence of eligible immigration status will not be verified until the family is selected from the waiting list for final eligibility processing.

C. Eligibility Factor 1: Family Composition

The applicant must qualify as a Family. A Family may be a group of persons or a single person. When application is completed, the applicant determines who the "family." is Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely because members are not related by blood, marriage, or operation of law.

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

<u>Definitions</u>

1. A group of persons may be:

- A pregnant woman and her unborn child(ren).
- Two or more elderly, near-elderly or disabled persons living together, or one or more elderly, near-elderly or disabled persons living with one or more live-in aides.
- Two or more persons who intend to share residency, whose income and resources are available to meet the family's needs, and who have a history as a family unit or show evidence of a stable family relationship.

2. A single person may be:

- an elderly person
- a displaced person
- a near-elderly person
- any "other single" person
- a person with a disability
- the remaining member of a tenant family

4. Head of Household

The Head of Household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors that qualify under State law will be recognized as head of household.

5. Spouse of Head

The Spouse of Head is defined as the marriage partner whom would have to be divorced, or legally separated, in order to dissolve the relationship. The term "Spouse" does not apply to boyfriends, girlfriends, significant others, or co-head of household.

6. Co-Head

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

7. Live-in Aide

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

- Is not obligated for the support of the person(s).
- A live-in aide is treated differently than family members.
- Live-in aide is not subject to Non-Citizen Rule requirements.
- A live in aide may not be working fulltime outside of the home.
- Would not be living in the unit except to provide care for the person(s).
- Live-in aide will not be considered as a remaining member of the applicant or participant family.
- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- Is determined by MHA to be essential to the care and well being of an elderly person or a person with a disability. A live-in aide may only reside in the unit with the prior written approval of the MHA and owner. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker or caseworker. The verification must specifically state that a live-in aide is

essential for the daily care of the family member who is elderly, near elderly or disabled.

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

The live-in aide's family members may also reside in the unit with the MHA and owner's prior written approval. The presence of the live-in aide's family members must not overcrowd the unit. MHA will not increase the voucher size to accommodate the additional live-aide's family members.

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

- Commits drug-related criminal activity or violent criminal activity.
- Commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- Currently owes rent or other amounts to the MHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two (or more) otherwise eligible families and the new families both claim the same placement on the waiting list, and there is no court determination, MHA will make the decision as to which household should receive a subsidy taking into consideration the following factors:

- Role of domestic violence in the split.
- Which family member applied as head of household.
- Restrictions that were in place at the time the family applied.
- Which family unit retains the children or disabled or elderly member(s).
- Recommendations of social service agencies or qualified professionals, such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by MHA.

Multiple Families in the Same Applicant Household

When a family, which consists of two or more families living together (such as a mother and father and a daughter with her own husband or children), applies for assistance, MHA will treat the family as a single-family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. “51% of the time” is defined as 183 days of the year, which do not have to run consecutively.

There will be a self-certification required of families who claim joint custody of temporary guardianship. When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

D. Eligibility Factor 2: Income Limitations

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

- very low income family, as defined by the very low-income limits published by HUD in the Federal Register for the area served by MHA, or

- low income family in any of the following categories

- continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act Program within 60 days of Voucher issuance. Programs include Public Housing, all Section 8 Programs, and all Section 23 programs

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

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

E. Eligibility Factor 3: Social Security Numbers

Families are required to provide verification of social security numbers for all family members age six or older prior to admission, if they have been issued a number by the Social Security Administration.

This requirement also applies to persons joining the family after admission to the program. Family members who have not been issued a social security number must certify to this fact. Guardians or another adult family member must certify for children under the age of 18.

Persons who disclose their social security number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days. Failure to furnish verification of social security numbers or certify that no number has been issued is grounds for denial or termination of assistance.

F. Eligibility Factor 4: Citizenship and Eligible Immigration Status

In order to receive assistance, a family member must be an U.S. Citizen or have legal immigrant status. Individuals who are neither may elect not to declare their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. Individuals claiming eligible immigration status must present appropriate immigration documents, which must be verified through the Immigration and Naturalization Service (INS).

The citizenship and eligible immigration status of each member of the family is considered individually before the family's eligibility is determined. Families including ineligible members may be classified as mixed families or as ineligible families.

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

Ineligible Families. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for an informal hearing.

Non-citizen students are not eligible for assistance. A non-citizen student is a person admitted to this country temporarily solely for the purpose of pursuing a course of study who has a residence in another country that the person has no intention of abandoning.

Appeals. Individuals whose eligible immigration status cannot be verified through INS may appeal to INS. An applicant who is denied Section 8 eligibility due to ineligible immigration status is entitled to an informal hearing exactly like those provided for participants.

G. Eligibility Factor 5: Evicted for Drug Related Criminal Activity

Drug-related activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means on or off the premises, not just on or near the premises.

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for a three-year period beginning on the date of such eviction.

MHA may waive this requirement if:

- The person demonstrates successful completion of a drug rehabilitation program approved by MHA, or

- The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

H. Eligibility Factor 6: Prohibition of Sex Offenders

The PHA prohibit admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program 24 CFR part 982.553(2). The PHA will screen the family by performing criminal history background to be carried-out through the Puerto Rico Police department, which issues a Certificate of Conduct.

I. Changes in Eligibility Prior to Issuance

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

J. Notification to Ineligible Families

Applicants who are determined to be ineligible will be notified in writing of the reason for denial of assistance.

Chapter 3

Applying for Admission

A. Introduction

The policy of MHA is to ensure that all families who express an interest in the HCV program are given an equal opportunity to apply and are treated in a fair and consistent manner. Chapter 3 describes the policies and procedures for opening and closing the waiting list, completing an application for assistance, placement as well as denial of placement on the waiting list, maintaining the waiting list, and limitations on who may apply.

B. How to Apply

All families wishing to apply for housing assistance shall complete pre-application for housing. Pre-applications will be accepted as specified in the public announcement.

Individuals who have a physical impairment, that would prevent them from completing an application in person, may call the MHA to make special arrangements for completing the housing pre-application. A Telecommunication Device for the Deaf (TDD) is available for hearing impaired persons. If the applicant is visually impaired, assistance may be provided with completing the pre-application, if needed.

C. Opening and Closing the Waiting List

MHA will open the waiting list by advertising through public notice in local newspapers, minority media, minority civic clubs and service agencies and other media providers. MHA will communicate the status of housing availability to other service providers in the community, such as agencies serving individuals with special needs, and advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance. MHA will continuously monitor and evaluate outreach activities to ensure that information

reaches the widest possible audience for which applications are being accepted. The notice will contain:

- Dates, times, and locations where families may apply.
- Programs for which applications will be taken.
- Brief description of the program(s).
- Limitations, if any, on whom may apply.
- MHA address, telephone number, and business hours.

The notice will provide potential applicants with information on how to submit an application and information on eligibility requirements. Upon receiving a request from a person with a disability (determined on a case-by-case basis), additional time may be given as an accommodation for submission of an application after the closing deadline. This accommodation is provided to allow persons with disabilities an opportunity to submit pre-application in those cases when a social service organization provides inaccurate or untimely information about the closing date.

When the waiting list is open, all interested families and persons are given the opportunity to apply. MHA may stop accepting pre-applications if there are enough applications to fill anticipated openings for the next 24 months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws. The MHA will announce the closing of the waiting list by public notice.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over reasonable period of time. In evaluating whether to close its Section 8 waiting list, MHA will consider the expected number of vouchers to be issued per year, the number of current applicants and the anticipated waiting time. MHA will give at least 10 days notice prior to closing the waiting list. When the period for accepting applications is over, MHA will add the new applicants to the waiting list by order preference, date and time of pre-application.

D. Application

MHA will use pre-application form. The information is to be filled out by the applicant or their representative to provide specific accommodation for persons with disabilities, MHA staff may assist the applicant in completing the application over the telephone—it may also be mailed. The purpose of the pre-application is to permit MHA to preliminarily place the applicant on the waiting list. The application will contain, but is not limited to questions designed to obtain the following information:

- Race/ethnicity

- Social Security Numbers
- Street address and phone numbers
- Sex and relationship of all household members
- Names of household members and their ages
- Mailing address , if different than residence
- Amount(s) and source(s) of income received by household members
- Request for specific accommodation needed to fully utilize program and services
- Information regarding disabilities to determine qualifications for allowances and deductions

Duplicate applications will not be accepted.

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

Photo-copies of an original application form are acceptable; however, only one application will be accepted per applicant. Each completed application requires a date/time.

E. Applicant Status While on the Waiting List

The family will be notified in writing of MHA's determination of eligibility. This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the application, MHA will notify the family in writing, state the reason(s), and inform the family of its right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation.

F. Waiting List Selection

When funding is available, applicants will be selected from the waiting list according to preference category, date and time of pre-application, and regardless of family size.

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

MHA will maintain information that permits proper selection from the waiting list. The waiting list contains, but is not limited to the following information for each applicant listed:

- Applicant Name
- Social Security number
- Qualification for any local preference
- Date and time of application
- Racial or ethnic designation of the head of household
- Family Unit Size (number of bedrooms family qualifies for under PHA subsidy standards)

The pre-application will be a permanent file. All applicants in the pool will be maintained by category local preference, date and time of application.

G. Eligibility Determination

Applicant Interview and Completion of Full Application

When an applicant is selected from the waiting list, MHA schedules an interview to complete or update the application, discuss the family's circumstances in greater detail, clarify information that has been provided by the family, and ensure that the information provided in the application is complete.

The interview, which must be attended by the head of household and spouse or co-head, and adult household members is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process.

All adult household members are required to attend the interview and sign the housing application. Exceptions may be made for students attending school out of state, or members for whom attendance would be a hardship, they can return their completed forms via mail.

During the interview, applicants will be required to update the household's application by writing in and initialing any changes to the family's circumstances and by certifying that all information is complete and accurate.

If the head of household cannot attend the interview, the spouse may attend to complete the application and certify for the family. The head of household, however, will be required to attend an interview within 10 days to review the information and to certify by signature that all of the information is complete and accurate.

It is the applicant's responsibility to reschedule the interview if the prospective participant misses the appointment.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than three days from the original appointment date. The request must be made to the staff person who scheduled the interview.

If the applicant does not reschedule or misses two scheduled interviews, MHA will notify the applicant family by written notice and remove the applicant from the waiting list. They will be offered an informal review.

Reasonable accommodations will be made for persons with a disability, or elderly persons.

All adult members must sign an Authorization for the Release of Information (HUD-9886) form , the declarations and consents related to citizenship or immigration status, and any other document required by the MHA. All adult applicants will be required to sign specific verification forms for information that is not covered by Form HUD-9886. Failure to do so will be a cause for denial of assistance.

If MHA determines at, or after, the interview that additional information or document(s) are needed, then MHA will request the document(s) or information in writing. The family will be given 10 days to supply the information. If the information is not supplied by the due date, MHA may remove the applicant from the waiting list.

H. Verification

Information provided by the applicant will be verified, using the verification procedures described at the beginning of this plan. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 30 days old at the time a Voucher is issued.

I. Final Determination and Notification of Eligibility

If the applicant is deemed ineligible, after the evaluation, to receive housing assistance, the applicant will be notified in writing and offered an opportunity for an informal review. If the applicant is determined eligible to receive assistance, the Assisted Housing intake staff will notify the family in writing of their eligibility and schedule them for a briefing to receive their Housing Choice Voucher.

Chapter 4

Establishing Preferences and Maintaining the Waiting List

A. Introduction

It is MHA's objective to ensure that the families are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any family, or prematurely made to any family. This chapter defines the eligibility criteria for local preferences and explains MHA's system for applying them. By maintaining the waiting list, MHA will be able to perform activities that ensure an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

B. Application Pool

A waiting list will be maintained in accordance with the following factors:

- The application will be maintained in a hard copy file and a computer file.
- The waiting list is determined by date and time of application and is kept in chronological order with local preference holders first.
- All applicants must meet the income targeting requirements as established by HUD. Any exceptions to these requirements must be previously approved by the HUD Field Office.

C. Waiting List Preferences

An applicant will not be granted admittance to the waiting list or any preference (local) if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related criminal activity. However, MHA will grant an exception to such a family if the responsible member has successfully completed a rehabilitation program.

If an applicant makes a false statement in order to qualify for a local preference, MHA will deny the family admission into the program.

Local Preference Categories

Eligible applicants are placed on the Section 8 Waiting List and receive preference in selection for vouchers of appropriate unit size if they meet certain preference categories.

Families eligible for a local preference include:

- Disabled or handicapped individuals
- Involuntarily displaced families

The Preference System

Preferences are used to establish order of placement on the waiting list. They do not guarantee admission. This means that every applicant must still meet MHA's resident selection criteria before being offered a housing choice voucher.

Preference will be granted to applicants who are otherwise qualified and who, at the time they are certified for admission, meet the definitions of the preferences below:

1. If there are no applicants on the waiting list(s) that qualify for a local preference, then eligible non-preference families will be selected.

2. MHA will not hold housing vouchers for prospective applicants with local preferences after written notification has been given by MHA, which detail the date, time, and location of the briefing meeting. Failure to receive mail does not justify not attending the briefing meeting nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with local preferences.

Factors other than the preference system that affect applicant selection for housing choice voucher offers are described below:

1. When selecting a family from the Section 8 waiting list, MHA will give a preference to families that include persons with disabilities who can verify the household will benefit from the accessible features of the rental property.
2. Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the preference system. Other admissions required by court order will also take precedence over the preference system.

MHA will use the following local preferences when selecting families for the housing choice voucher assistance:

1. Disabled, and handicapped families
2. Involuntarily displaced families

Ranking of Local Preferences

Local preferences are ranked: 1. Disabled, and handicapped families, 2. Involuntarily displaced families

D. Local Preference Determination

1. To qualify for disabled, or handicapped preference the family must have a head of household, spouse has a physical or mental impairment that substantially limits one or more major life functions, or the head of household, is receiving social security disability benefits, supplemental security income, or meet the definition used by Social Security to determine eligibility for SSI.
2. To qualify for an involuntary displacement the family must be displaced from their home as a result of a disaster, government action, action by housing owner (excluding evictions), inaccessibility to the home, or property disposition.(See Special Admissions)

In addition, families of federally declared disasters who are Section 8 voucher holders from another jurisdiction will receive preference over other waiting list placeholders for the housing choice voucher waiting list (see Portability procedures for more details).

Initial Determination of Local Preferences Qualification

Local preferences are preferences for use in selecting applicants.

At the time of application, an applicant's eligibility for a local preference may be made on the basis of an applicant's certification that they qualify for a preference. This certification may be accepted without verification. If verification of a local preference has not been documented when the family is selected from the waiting list for the final determination of eligibility, the preference must then be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be notified in writing and returned to the waiting list and ranked without the local preference and given an opportunity for a meeting (informal review). Before a family is provided assistance the family's eligibility for a preference based on current circumstances must be verified. Once the preference has been verified, MHA does not need to re-verify the preference unless it is more than twelve months before assistance is offered to the

household or MHA has grounds to believe the applicant's preference status has changed.

Denying a Preference

If verification indicates that the family is not eligible for a preference that is claimed, then MHA must provide a written notice to this effect.

The notice must state:

- The reason for the determination; and
- They will retain their original place on the waiting list as a non-preference applicant; and
- The right of the applicant to meet with the staff for review

If the applicant believes he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, familial status or disability, the applicant may exercise other rights.

E. Preference Eligibility

Applicants will be placed on the waiting list according to the information the applicant provides MHA as to their qualification for local preference. Applicant circumstances may change while waiting on a housing choice voucher offer. These changes may affect eligibility for a preference. Applicants are required to notify MHA in writing when their circumstances change. When applicants claim a different preference, their waiting list status will be revised to reflect the change; they will retain their original date and time of application as a non-preference holder on the waiting list.

To be determined eligible, applicants are required to meet the preference criteria for the preference category(ies) established at the time that a housing choice voucher is expected to be available and after a full application is completed.

F. Maintaining and Purging the Waiting List

Applicants are required to inform and notify MHA in writing of any changes in circumstances while on the waiting list. These may include changes in address, family composition, or preference status.

The waiting list will be purged at least annually by notifying the applicants via mail. Applicants are also required to respond to requests from PHA to update information on their applications and to determine their continued interest in and need for assistance. Failure to provide information or

respond to PHA mailings (in thirty days that date) that request updated information will result in the applicant being removed from the waiting list.

Income Targeting

A minimum of 75% of the families admitted to MHA's housing choice voucher program during each fiscal year must be extremely low-income families. An extremely low-income family is one whose annual income does not exceed 30% of the area median income.

MHA will monitor admissions to the housing choice voucher program at the end of each quarter throughout the fiscal year. If, at the end of any quarter, extremely low-income families make up less than 75% of admissions for the fiscal year to date, MHA will give priority to extremely low-income families until extremely low-income admissions again make up 75%.

Local Preferences

MHA will select applicants pursuant to the annual admissions and income targeting requirements noted above and based upon their eligibility, date and time of application, and local preference.

Special Admissions

When HUD awards special funding for certain family types or specific eligibility criteria, MHA will admit these families under a special admissions procedure. Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. MHA maintains separate records of these admissions.

Targeted Funding

When HUD awards special funding for certain family types or specific eligibility criteria, families who qualify are selected from the existing waiting list. Additionally, applicants who meet specific program criteria will be allowed to submit an application, notwithstanding if the waiting list is closed. Assistance is offered to the first (based on date of application) eligible family on the waiting list meeting the targeted funding criteria.

G. Removal From the Waiting List

Applicants shall be removed from the waiting list for the following reasons:

- Failure to respond to written communications regarding failure to comply with application update, or
- applicant interview, or
- applicant briefing requirements.

Any mailings to applicants, which require a response, will state that failure to respond within 30 calendar days will result in the applicant's name being removed from the waiting list.

An extension of five days to respond may be granted, if requested, and needed as a reasonable accommodation for a person with a disability.

If an applicant, that requested a reasonable accommodation, fails to respond to a mailing from MHA, the applicant will be sent written notification and given five business days to contact MHA. If they fail to respond, they will be removed from the waiting list.

If an applicant did not respond to MHA's request for information or updates because of a family member's disability, and the disability can be documented, then MHA will reinstate the applicant in the family's former position on the waiting list. If a letter is returned by the Post Office without a forwarding address or the applicant failed to respond, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a Director or Deputy Director determines there were circumstances beyond the person's control. The following exceptions must be documented in order to warrant reinstatement upon confirmation:

- Hospitalization

- Death in the immediate family

Chapter 5

Subsidy Standards

A. Introduction

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

B. Determining Voucher Size

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

For subsidy standards, an adult is a person 21 years or older.

All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements. The unit size on the voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, MHA assigns one bedroom to two people within the following guidelines:

- persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom

- separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 3 years of age)
- foster children will be included in determining unit size only if they will be in the unit for more than six months

- space may be provided for a child who is away at school or a spouse who is away in the military

- adults of different generations may have separate bedrooms

- single person families may be allocated an efficiency unit or one bedroom Voucher

- a family that consists of a pregnant woman (with no other persons) will be treated as a two- person family. [24 CFR 982.402(5)]

- a live-in attendant will generally be provided a separate bedroom
- no additional bedrooms are provided for the attendant's family

Guidelines for Determining Voucher Size

Voucher Size	Persons in Household (Minimum #)	Persons in Household (Maximum #)
Efficiency	1	1
1 Bedroom	1	2
2 Bedroom	2	4
3 Bedroom	3	6
4 Bedroom	4	8
5 Bedroom	5	10
6 Bedroom	8	12

* If the applicant/participant selects an efficiency unit then the efficiency payment standard will be used to determine the subsidy.

C. Exceptions to Subsidy Standards

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

MHA may grant an exception upon a written request including verification documentation as an accommodation for persons with disabilities.

Circumstances may dictate a larger size than the subsidy standards permits when persons cannot share a bedroom because of a need, such as a verified medical or health reason; or elderly persons or persons with disabilities who may require a live-in attendant.

A family may request a larger sized voucher than indicated by MHA's subsidy standards. Such request must be made in writing within 10 days of MHA's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

If MHA errs in the bedroom size designation that results in a subsidy overpayment, the family will be issued a voucher of the appropriate size no later than the next annual reexamination.

Changes in Household Composition

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

The family obligations require the family to inform MHA of the birth, adoption or court-awarded custody of a child, and to request approval from MHA and the owner to add any other family member as an occupant of the unit. The family must document custody to be allowed to add minors to the household. The family must request prior approval of additional household members in writing. MHA may deny requests to add household members who would cause the family to be under housed and require a larger unit size.

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

Likewise, if a family member leaves the household, the family must report this change to MHA and the owner, in writing, within 10 days of the change and certify as to whether the person is temporarily or permanently absent.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

MHA will conduct an interim recertification for changes that affect the Total Tenant Payment in accordance with the interim recertification policy and will require verification that the family member reported to have left the household has a new address**.**

Under-Housed and Over-Housed Families

If a unit does not meet HQS space standards due to an increase in family size, (unit has become too small), MHA will issue a new voucher and assist the family in locating a suitable unit.

D. Unit Size Selected

The family may select a different size unit than that listed on the Voucher within the following criteria:

- Subsidy Limitation: MHA will apply the Payment Standard for the smaller of (1) the bedroom size shown on the voucher or (2) the size of the actual unit selected by the family.

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

- Housing Quality Standards (HQS): generally, HQS allows two persons per bedroom or sleeping room and permits maximum occupancy levels as shown in the table below. HQS allows living space (other than kitchen, bathroom and basement) to be utilized as a sleeping room, provided it meets minimum footage, lighting, and other requirements. The sleeping room will not be counted as a bedroom for purposes of determining voucher subsidy standards.

HQS Guidelines for Unit Size Selected

Maximum # of Persons in Household

0 Bedroom 1

1 Bedroom 4

2 Bedrooms 6

3 Bedrooms 8

4 Bedrooms 10

5 Bedrooms 12

6 Bedrooms 14

Chapter 6

Factors Related to Total Tenant Payment (TTP) Determination

A. Introduction

MHA will use the methods established in this Administrative Plan to verify and determine family income at admission and reexamination. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more, or less, money for rent than what they should have to pay.

This chapter defines the allowable expenses and deductions to be subtracted from Annual Income, and shows how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with Federal Regulations and further instructions set forth in HUD Notices. The formula for the calculation of TTP is specific and not subject to interpretation. MHA's policies in this Chapter address those areas that allow MHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

B. Income

Definitions

Income

Income includes all amounts received on behalf of the family. When calculating TTP, HUD defines what is to be included and what is to be excluded as income. In accordance with HUD's definition, all income that is not specifically excluded in the regulations is counted.

Annual Income

Annual Income is defined as the gross amount of anticipated income received by the family during the 12 months after certification or recertification. It is also defined as the amount of income received prior to any HUD allowable expenses or deductions and does not include income that has been excluded by HUD. Annual income is also used to determine whether or not applicants are within the applicable income limits.

Convert all income (and allowable expenses) to an annual figure by multiplying the pay rate by the frequency of payment.

- Multiply hourly wages by the number of hours worked per year. Full-time employment (40 hours per week and no overtime) is 2080 hours (40 hrs x 52 weeks= 2080 hours. (10 hrs per week worked x 52 weeks = 520 hours per year.
- Multiply weekly wages by 52 weeks
- Multiply bi-weekly wages by 26
- Multiply bi-monthly wages by 24
- Multiply monthly wages by 12

- Multiply daily wages by 260 (full-time/no overtime)

Round up to the nearest dollar at $ 0.50 and above (except social security, which always round down.

Note: Federal and State wage laws require employees to pay time and half in excess of 40 hours for most occupations. If earnings verification show more than 40 hours worked but does not indicate overtime paid, verify with the employer if overtime is paid or not, and document this on a Supplemental form.

Averaging Income

When Annual Income cannot be anticipated for a full twelve months, MHA may:

1. Annualize current income, or

2. Average known sources of income to compute annual income

The method used will depend on the regularity, source and

2. Average known sources of income to compute annual income

The method used will depend on the regularity, source and type of income.

If for the next twelve (12) months there is an unanticipated bonus or overtime pay undetermined by the employer, then MHA will use bonus and overtime received the previous year to determine income, unless the employer certifies that these payments are expected to be different in the coming year.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month; this estimate will be used so as to reduce the number of interim adjustments.

C. Income of Temporarily and Permanently Absent Family Members

Temporarily Versus Permanently Absent

MHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

If a spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

Temporarily absent is defined as away from the unit for less than 30 days.

Income of persons permanently absent will not be counted. Any member of the household will be considered permanently absent if the person is away from the apartment for two consecutive months or sixty days except as otherwise noted in this Chapter.

It is the responsibility of the head or co-head of household or spouse to report changes in family composition. MHA will evaluate absences from the unit using the above policy guidelines.

The family will be required to notify the MHA in writing within thirty (30) days when an adult family member moves out. The notice must contain a certification by the family indicating if the adult is temporarily, or permanently, absent. This notification may be extended, upon request, when the person notifying is experiencing a disability, handicap, or other verified health related issue.

If the family member will be permanently absent from the unit, the family must provide verification of the person's new address, if known, or provide some other form of verification to substantiate the person's absence from the home.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

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

Absence of Entire Family

This section describes policy when the family is absent from the unit but has not moved out of the unit. In cases where the family has moved out of the unit, MHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required to notify both MHA and the owner before they move out of a unit and the family is also required to provide information about any family absence from the unit. Families must notify MHA and the owner if they are going to be absent from the dwelling unit for more than 30 consecutive days.

HUD regulations require MHA to terminate assistance if the entire family is absent from the dwelling unit for a period of more than 180 consecutive calendar days. Absence means no family member on the lease is residing in the dwelling unit.

In order to determine if the family is absent from the dwelling unit ,MHA may: write letters to the family at the unit; telephone the family at the unit; interview neighbors and verify if utilities are in service.

If requested by the family, MHA may reinstate the family as an accommodation if the following applies:

- funding is available to support housing assistance
- absence triggering termination of assistance was due to disability, age, or health
- MHA can verify that the person was unable to notify the Authority in accordance with the family's responsibilities

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, MHA will seek advice from a reliable

qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 90 consecutive days, the family member will be considered temporarily absent.

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

Absence Due to Incarceration

If the sole member is incarcerated for more than 90 consecutive days, this person will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if the person is incarcerated for three consecutive months or 90 days.

Absence of Children Due to Placement in Foster Care

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

If the time period is to be greater than six months from the date of removal of the child or children, the voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the MHA's subsidy standards at the next annual re-exam or move, whichever occurs first.

Absence of Adult

If both parent remains in the household, and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period of time, MHA will determine the eligibility of the assigned head of household based on its eligibility criteria.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the voucher will be assigned to the caretaker.

Absence Due to Full-Time Student Status

A full-time student (other than head or co-head of household or spouse) who attends school away from home but lives with the family during school recess

may, at the family's choice, be considered either temporarily or permanently absent.

If the family decides that the member is permanently absent, then: the income of that person will not be included in the total household income, the person will be removed from the lease, and MHA will re-determine the voucher size of the family.

Minors and college students, who were part of the family but who now live away from home during the school year and are no longer on the lease, may visit for up to 90 days every year without being considered a member of the household. If the family decides that the member is temporarily absent, any income earned by the full-time student up to $480 a year will be counted as family income.

Visitors

Any adult not included on the Form HUD-50058, may be considered to be living in the unit as an unauthorized household member.

The family is responsible for proving that the individual is a visitor. In the absence of such proof, the individual will be considered an unauthorized member of the family and MHA will terminate assistance because prior approval was not requested or received for the additional member of the household.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household. Statements from neighbors, or the landlord, will also be considered in making the determination. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

In a joint custody arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member.

D. Income of Person Permanently Confined to Nursing Home

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, MHA will calculate the income as follows and will use the income figure which would result in a lower payment by the family:

- exclude the income of the person permanently confined to the nursing home and gives the family no deductions for medical expenses of the confined family member; or include the income and deductions of the member of this person's income goes to a family member.

E. Regular Contributions and Gifts

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

Any contribution or gift received every three months, or more frequently, will be considered a “regular” contribution or gift, unless the amount is less than $100 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

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

F. Alimony and Child Support

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the MHA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount. MHA will accept as verification that the family is receiving an amount less than the award if:

- MHA receives verification from the agency responsible for enforcement or collection
- the family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney

Absent for three consecutive payments with certified copy of alimony and child support (ASUME) payments are not counted as income.

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

G. Assets and Income from Assets

When net family assets are $5,000 or less, the actual income earned from assets is added to annual income. When net family assets exceed $5,000, the amount added to annual income as income from assets will be the greater of:

- actual income from assets; or

- the amount that results from multiplying net family assets by the passbook rate established by the HUD Field Office

The value of family assets is the cash value of the asset to the family. The cash value is determined by subtracting from the current market value any expense that would be incurred to turn the asset into cash.

Lump-Sum Receipts

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

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

When MHA is unable to verify income due to delays in processing a change to unemployment or welfare benefits, MHA will calculate an interim rent decrease based on income sources without the unemployment or welfare payments. When the family's benefit payment has been approved, a second interim will be conducted to add the benefit income. The total income calculated in the second interim will include the family's regular periodic welfare or unemployment payment plus all of the lump-sum payment the family received as a result of the processing delay.

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

Contributions to Retirement Funds

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

- while an individual is employed, MHA will count as an asset only the amount the family can withdraw without retiring or terminating employment

- after retirement or termination or employment, MHA will count any amount the employee elects to receive as a lump-sum

Assets Disposed of for Less Than Fair Market Value

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

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

The MHA's minimum threshold for counting assets disposed of for less than Fair Market value is $10,000. If the total value of assets disposed of within a one-year period is less than $10,000, they will not be considered an asset.

H. Adjusted Income

Adjusted Income is defined as Annual Income minus any HUD allowable deductions.

HUD has five allowable deductions from Annual Income:

- Dependent allowance: $480 each for family members who are minors (other than the head or spouse or co-head) and for family members who are 18 years or older and full-time students or disabled.

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

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

- Allowable medical expenses: Unreimbursed medical expenses which exceed three percent of Annual Income may be deducted for all family members of an eligible elderly/disabled family.

- Allowable Disability Assistance Expenses: Unreimbursed expenses exceeding three present of Annual Income which are for attendant care or auxiliary apparatus for persons with disabilities, may be deducted when the expenditure enables the individual or an adult family member to work. If a family has both Disability Assistance and Medical Expenses, the three

- percent of Annual Income is applied only once and always to the Disability Assistance expense first.

Child Care Expenses

Reasonable child care expenses for children less than 13 years of age may be deducted from annual income if they enable an adult to work, attend school full time, or actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Examples of those adult members who would be considered unable to care for the child include:

- the abuser in a documented child abuse situation, or
- a person with disabilities or handicaps, or an older person unable to take care of a small child, as verified by reliable, knowledgeable professional, such as a doctor, social worker or case worker

The maximum child care expense allowed is based on the following guidelines:

- child care to work: Child care expenses allowed must be less than the amount earned by the person enabled to work. The person enabled to work will be the adult member of the household who earns the least amount of income from working
- child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school (including one hour travel time to and from school)

Medical Expenses

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

Non-prescription medicines, supplies, apparatus must be doctor-recommended (written verification required) in order to be considered a medical expense. The family is required to furnish legible receipts.

I. “Minimum Rent” and Minimum Family Contribution

All families are required to pay a minimum TTP (rent and utilities) of $50 a month.

MHA may grant an exception to the minimum rent requirement when a family documents that the minimum rent would create a hardship because:

- family has lost eligibility or is awaiting an eligibility determination for a Federal or local assistance program;
- family would be evicted as a result of imposing the minimum rent requirement;
- family's income has decreased because of changed circumstances including the loss of employment; or
- there has been a death in the family

If a family requests a minimum rent hardship exception, MHA will suspend the minimum rent charge and adjust the HAP payment effective the beginning of the month following the family's hardship request.

MHA may request documentation of the hardship and will determine promptly whether a hardship exists and whether it is temporary or long term.

If MHA determines that no hardship exists, the minimum rent will be imposed retroactively to the time of suspension.

If the hardship is determined to be temporary, the minimum rent will not be imposed for a period of 90 days from the date of the family's request but, at the end of that period, the minimum rent will be imposed retroactively to the time of suspension. A reasonable repayment agreement to cover minimum rent charges accumulated during the suspension will be offered.

If MHA determines the hardship to be of long-term duration, the family will receive an exemption until the hardship no longer exists.

J. Reduction in Benefits

If the family's benefits, such as social security, SSI or TANF, are reduced due to family error, omission, or misrepresentations, MHA will use the gross amount of the benefit. If the family's benefits are reduced through no fault of the family, MHA will use the net amount of the benefit.

If a family's welfare benefits are reduced, in whole or in part, for a family member because of fraud or because of a welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, MHA will not reduce the rent to reflect the lost benefit. MHA will include in the family's annual income for purposes of

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

MHA will request from the welfare agency the amount and term of any specified welfare benefit reduction for a family member and will use this information to determine the amount of the imputed welfare income for a family.

MHA will also obtain written verification that the benefit reduction was caused by non-compliance or by fraud before denying a family's request for recertification of income and rent reduction. The prohibition against reducing rent will not apply when TANF benefits are lost because the lifetime limit on receipt of benefits has expired or in a situation where the family has complied with welfare requirements but cannot obtain employment. Any family denied a rent reduction after a loss of welfare benefits will be informed of its right to an informal hearing.

MHA will not include imputed income in the annual income of a family who was on the waiting list at the time the sanction was imposed by the welfare agency.

K. Pro-ration of Assistance for "Mixed" Families

Pro-ration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members. Mixed families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. Applicants mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance. Pro-rated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

L. Utility Allowance and Utility Reimbursement Payments

MHA will maintain an up-to-date utility allowance schedule. The Utility Allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from the Total Tenant Payment to establish the family's rent to the landlord. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on the individual family's actual energy consumption.

MHA will review and revise the utility allowance schedule annually. Revised utility allowances will be applied in a participant family's rent calculation at its next reexamination. The approved utility allowance schedule is given to families at each briefing. The utility allowance is based on the actual unit size selected.

Where the utility allowance exceeds the family's Total Tenant Payment, MHA will provide a utility reimbursement payment for the family each month. The check will be made out directly to the tenant.

Chapter 7

Verification Procedures

A. Introduction

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

B. Methods of Verification and Time Limits

MHA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Upfront Income Verification
2. Third-Party Written
3. Third-Party Oral

4. Review of Original Documents
5. Certification/Self-Declaration
6. David System-Information about privately owned motor vehicles

MHA will allow 14 calendar days for return of third-party verifications and 7 calendar days to obtain other types of verifications before going to the next method.

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

Third-Party Written Verification

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

Verifications received electronically (faxed) directly from the source are considered third party written verification.

Third party verifications cannot be hand carried by the family with the following exception. MHA will accept verifications in the form of computerized printouts from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensations Board
- City or County Courts
- Pension or Child Support

MHA will send requests for third party verifications to the source at all times regardless of whether the family provides a computerized printout.

Third-Party Oral Verification

Oral third-party verification will be used when written; third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a “Certification of Document Viewed or Person Contacted” form. On the form, staff must note with whom they spoke, the date and time of the conversation, and the facts provided. MHA staff will compare the information provided to any documents provided by the Family. If verification is provided by

telephone, MHA staff must originate the call and document the transaction on a MHA Supplemental form.

Review of Documents

In the event that third-party verification is unavailable or the information has not been verified by the third party within 21 calendar days, MHA will complete a Certification of Document Reviewed or Person Contacted and utilize original documents provided by the family as the primary source of verification, only if the documents provide complete information.

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

The MHA will accept the following documents from the family, provided there is no evidence of tampering and that the document contains sufficient information.

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

The MHA will accept electronic (faxed) documents. MHA will not accept photocopies.

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

MHA will not delay the processing of an application beyond 30 days because a third-party information provider does not return the verification in a timely manner.

Self-Certification/Self Declaration

When verification cannot be obtained by 28 days third-party verification or review of documents, families will be required to submit a self-certification. Self-certification means a notarized statement and must be witnessed.

C. Release of Information

The family will be required to sign specific authorization forms when information is needed that is not covered by the Authorization for Release of Information

(HUD-9886) form. Each adult household member will be required to review and sign appropriate consent forms. Copies will be provided upon request.

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

D. Computer Matching

Where allowed, computer matching may be used to verify the accuracy of income reporting.

MHA will use upfront income verification systems, including the use of the HUD established computer based tool for obtaining social security benefits, Supplemental Security Income, benefit history and tenant income discrepancy reports from the Social Security Administration. When the computer matching results in a discrepancy with information in the MHA records, MHA will follow up with the family and verification sources to resolve this discrepancy.

When the family furnishes MHA with a letter or notice from HUD concerning the amount or verification of income, MHA will verify the accuracy of income information contained in the notice and will, as appropriate, change the amount of the Total Tenant Payment, family rent to owners and housing assistance payment; or terminate assistance.

E. Items Requiring Verification

- All income not specifically excluded by the regulations.
- Zero-income status of household.
- Full-time student status including high school students who are 18 or over.
- Current assets, including assets disposed of for less than fair market value in the preceding two years.
- Child care expense when child care allows an adult family member to be employed, to seek employment, or to further his/her education.
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow an adult family member to be employed.

- U.S. citizenship or eligible immigrant status.
- Social Security numbers for all family members six years of age or older who have been issued a number.
- Qualification of preferences.
- Familial/marital status when needed for head or spouse definition.
- Disability status for determination of preferences, allowances or deductions.
- Pregnancy of a woman who applies to live alone as a family.
- Documentation for need of live-in aide.
- Insurance/ownership/tax form ID of property owner.
- Any other information required to ensure program compliance.

F. Verification of Income

Employment Income

Acceptable methods for verifying employment income include, in this order:

- Employment verification form completed by the employer or completed by MHA staff via telephone conversation with employer when staff initiates the call.
- Check stubs or earning statements indicating the employee's gross pay, frequency of pay or year to date earnings.
- W-2 forms plus income tax return forms.
- Income tax returns signed by the family for verification of self-employment income or income from tips and other gratuities.
- Employers must specify the following on the verification forms:

  - Dates of employment

- Amount and frequency of pay

- Date of the last pay increase

- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

- Year to date earnings; and

- Estimated income from overtime, tips, bonus pay expected during next 12 months.

When doubt regarding income exists, applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income. Referrals to the IRS for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplementary Security Income (SSI) and Disability Income

Acceptable methods of verification include, in this order:

- Computer report electronically obtained through an upfront income verification system.

- Benefit verification form completed by agency providing the benefits.

- Award or benefit notification letters provided by the providing agency.

Unemployment Compensation

Acceptable methods of verification include, in this order:

- Enterprise Income Verification

- Verification form completed by the unemployment compensation agency.

- Computer printouts from unemployment office stating payment dates and amounts.

- Original Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

- MHA verification form with or without the computer printout completed by payment provider.

- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.

- Computer-generated Notice of Action.

- Computer generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

- Copy of separation, settlement agreement, divorce decree stating amount and type of support and payment schedules, or court order.

- Payment disbursement report.

- Copy of latest check and/or payment stub from a court trustee. MHA must record the date, amount, and number of the check.

- Notarized letter from person paying the support.

- Family's self-certification of amount received and the likelihood of support payments being received in the future, or self-certification that support payments are not being received.

- If payments are irregular, copy of separation or settlement agreement or divorce decree stating the amount and type of support and payment schedules and one of the following:

  - Statement from agency responsible for enforcing payments demonstrating that the family has filed for enforcement;

  - Welfare notice of action showing amounts received by the welfare agency for child support; or

  - Written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

- IRS Form 1040, including:

- Schedule C (Small Business);
- Schedule E (Rental Property Income); and
- Schedule F (Farm Income).
- Documents such as manifests, appointment books, cash books, bank statements, and receipts, will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- Credit report or loan application.
- If the applicant/participant is operating a “cash and carry” operation (which may or may not be licensed), MHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.
- If the family has filed a tax return, the family will be required to provide it.
- A notarized self-employment certification.

Recurring Gifts

- Self-certification containing the following information:

  - Name of gift-provider;
  - Value of gift;
  - Regularity (dates) of gift; and
  - Purpose of gifts.

Zero Income Status

Families claiming zero household income will be required to complete a Certification of Zero Household Income and certify their income status, in person, quarterly.

MHA may check records of other departments in the jurisdiction that have information about income sources of customers.

Full-Time Student Status

- Written verification from the registrar's office or other school official.
- School records indicating enrollment for sufficient number of credits to be considered a full time student by the educational institution during the current school year.

G. Acceptable Methods for Verification of Income from Assets

Checking and Savings Account Interest Income and Dividends

- MHA verification forms completed by the financial institution.
- Account statements, passbooks, certificates of deposit.
- Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
- IRS Form 1099 from the financial institution, provided that MHA adjusts the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements will be verified by:

- Letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months (A copy of the check paid by the buyer to the family is not sufficient, unless a breakdown of interest and principal is shown).
- Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

- IRS Form 1040 with Schedule E (Rental Income).
- Copies of latest rent receipts, leases, or other documentation of rent amounts.
- Documentation of allowable operating expenses of the property: tax statements, insurance invoice, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

- Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

H. Acceptable Methods of Verification of Assets

MHA will require the necessary information to determine the current cash value of the asset, i.e. the net amount the family would receive if the asset were converted to cash.

Family Assets

- Verification forms, letters, or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit bonds, or financial statements completed by a financial institution or broker.
- Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
- Real estate tax statements if the approximate current market value can be determined from the assessment.
- Financial statements for business assets.
- Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- Appraisals of personal property held as an investment.
- Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value

MHA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, the verification or certification must show:

- All assets disposed of for less than fair market value;
- Date assets were disposed of;
- Amount the family received; and

- Market value of the assets at the time of disposition.

Third party verification will be obtained whenever possible.

I. Allowable Methods of Verification of Allowable Deductions from Income

Child Care Expenses

- Written verification from the person who receives the payments. If the child care provider is an individual, a statement of the amount the individual is charging the family for the service. Verifications must specify the name of the child care provider, address, telephone number, Social Security number, names of children cared for, number of hours cared for, rate of pay, and typical yearly amount paid, including school and vacation periods.

- Family certification as to whether any of the child care payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses or expenses to assist a person(s) with a disability or handicap will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

- Written confirmation from the Social Security Administration indicating the amount of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

Attendant Care

- Written certification from a reliable, knowledgeable licensed professional that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

- Attendant's notarized written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or paycheck stubs from the agency providing the services.

- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. MHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

  MHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation directly related to medical treatment.

Assistance to Persons with Disabilities

- Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently, independently to enable another family member to be employed.
- Family certification as to whether it receives reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care

- Attendant's written certification of the amount received from the family, frequency of receipt, and hours of care provided.

- Written certification of family and attendant and/or copies of canceled checks that the family used to make payments.

Auxiliary Apparatus

- Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

- In the case where the person with the disability is employed, statement from the employer that the auxiliary apparatus is necessary for employment.

J. Acceptable Methods of Verification of Non-Financial Factors

Legal Identity of Adults

- Current, valid Driver's License (Photo Only)
- U.S. military discharge (DD 214)
- U.S. passport
- Department of Motor Vehicles Identification Card (Photo only)
- Certificate of Birth, naturalization papers
- Church-issued baptismal certificate
- Voter's registration
- Company/agency identification card
- Hospital records
- Census data

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required:

Legal Identity of Minors

- Certificate of Birth
- Adoption papers
- Custody agreement
- School records

Marital Status

- For divorce, certified copy of the divorce decree, signed by a Court Officer.

- For separation, a copy of court-ordered maintenance or other records.

- For marriage, copy of marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification as follows:

- To verify relationship, official identification showing names or birth certificates.

- To verify guardianship:

  - Court-ordered assignment;

  - Affidavit of parent;

  - Verification from social services agency; or

  - School records.

Examples of a stable family relationship include joint bank accounts or other shared financial transactions, leases or other evidence of prior cohabitation, and credit reports showing relationship.

Permanent Absence of Adult Household Member

- Legal papers documenting a spouse instituted a divorce action.
- Legal papers documenting a spouse instituted a legal separation.

- Order of protection or restraining order obtained by one family member against another.

- Proof of another home address, such as utility bills, canceled rent checks, driver's license, or lease or rental agreement, if available.

- Statements from other agencies such as social services or written statement from the landlord or manager that the adult family member is no longer living at that location.

- If the adult family member is incarcerated, a document from the Court or prison stating how long member will be incarcerated, or print out from the offender tracking information system.

Change of Family Composition

The MHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspection, landlords, neighbors, school or Department of Motor Vehicles records, and other sources.

Disability

- Receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 (7).

- Verification by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his/her status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the MHA hearing is pending.

- Citizens or Nationals of the United States: Signed declaration under penalty of perjury. MHA will not require citizens to provide documentation of citizenship.

- Eligible Immigrants who were Participants and 62 or over on June 19, 1995: Signed declaration of eligible immigration status and proof of age.

- Non-citizens with eligible immigration status: Signed declaration of status and verification consent form and submission of original immigration documents to MHA, which are to be copied and returned to the family. MHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, MHA must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an

ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the time they are added to the household. Once verification has been completed for any covered program, it need not be repeated except, in the case of port-in families, if the initial PHA does not supply the documents, the MHA must conduct the determination.

Extension must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstance. MHA will allow up to 60 days to provide the document or a receipt issued by the INS for issuance of replacement documents.

Only the following documents are acceptable documents of eligible immigration, unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for a replacement of any of the above documents that shows that the individual's entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept in the tenant file by MHA.

Social Security Numbers

Social security numbers must be provided as a condition of eligibility for all family members age six and older if they have been issued a number. Verification of Social Security numbers will be done through a social security card issued by the Social Security Administration. If a family member cannot produce a social security card, only the documents listed below showing his or her social security number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the social card information provided is/are complete and accurate:

- Driver's license (photo only)

- Identification card issued by a Federal, State, or local agency
- Identification card issued by medical insurance company or provider, including Medicare and Medicaid
- IRS Form 1099
- Benefit award letter from government agency
- Retirement benefit letter
- Verification of benefits or social security number from Social Security Administration.

New family members age six or older will be required to produce their social security card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the MHA.

If an applicant or participant is able to disclose the social security number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the MHA. The applicant or participant or family member will have an additional 30 days to provide proof of the social security number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the MHA may grant an extension for an additional 30 days to a total of 60 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states he or she has not been issued a number, the family member will be required to sign a certification to that effect.

Medical Need for Larger Unit

- Written certification from a reliable, knowledgeable professional, that a larger unit is necessary will be considered in the determination.

Chapter 8

Briefing and Voucher Issuance

A. Introduction

MHA's objectives are to assure that families selected to participate in the Housing Choice Voucher (HCV) Program are successful in leasing a suitable unit and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families are determined eligible, MHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, MHA procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program, including the benefits of moving outside areas of high poverty concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition, income, etc. will be handled.

B. Issuance of Vouchers

When funding is available, MHA will issue vouchers to eligible applicants. Voucher issuance must be within the dollar limitations set by the Annual Contributions Contract (ACC) budget.

The number of vouchers issued must ensure that MHA maintains maximum lease-up. MHA performs a monthly calculation to determine whether applications can be processed and the number of vouchers that can be issued. If MHA finds it is over-leased; it must adjust future issuance in order not to exceed the ACC budget limitations over the fiscal year.

Voucher Issuance/Preferred Unit Size

Bedroom Size	Family Composition
1 Bedroom	1 adult, or couple with no children
2 Bedroom	Adult/couple who: Require separate bedrooms, or Have live-in aide/ chore provider Adult/couple plus 1 child Adult/couple with 2 children of same sex Documented pregnant woman with no other children
3 Bedroom	Adult/couple: Plus 2 children of opposite sex, or Plus 3 children, or Plus 4 children (2 boys and 2 girls), or With documented medical/specials needs plus 1 child, or With medical/special needs plus 2 children of same sex In the above medical/special needs instances a completed form, by a health care professional is required
4 Bedroom	Adult/Couple: Plus 4 or 5 children (3 of same sex), or With medical/special needs plus 2 children of opposite sex, or With medical/special needs plus 3 children In above medical/special needs instances a completed form, by a health care professional is required

5 Bedroom	Adult/couple: Plus 6 or 7 children (any combination), or Plus 6 children with documented medical/special needs

C. Briefing Types and Required Attendance

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefing will be conducted in group or in an individual setting.

The purpose of the briefing is to explain the documents in the Voucher Briefing Packet so that the family is fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

MHA will not issue a voucher to a family unless the household representative (head of household, co-head or spouse) has attended the briefing. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two scheduled briefings without prior notification and approval of MHA may be denied admission based on failure to supply information needed for certification. MHA may conduct individual briefings for families with disabilities at their home, if other arrangements cannot be made, if required for reasonable accommodation.

Briefing Packet

The documents and information provided in the briefing packets will comply with all HUD requirements.

The family is provided with the following information and materials:

Term of the voucher and MHA policy for requesting extensions to the term of the voucher or suspensions of the voucher.

- Description of the method used to calculate the Housing Assistance Payment (HAP) and information on payment standards and utility allowance

- Explanation of how the maximum allowable rent is determined, including procedures for determining rent reasonableness

- Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services.

- Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, and security.

- Explanation of the portability option

- Sample of the HUD Tenancy Addendum

- Request for Lease Approval form and a description of the procedure for requesting approval for a unit

- MHA policy on providing information about families to prospective owners

- Subsidy standards, and how unit size listed on voucher relates to the unit size selected

- HUD brochure, “A Good Place to Live” on how to select a unit that complies with HQS

- HUD brochure on lead-based paint and information about where blood level testing is available

- Information on Federal, State, and local equal opportunity laws, including the pamphlet “Fair Housing: It’s Your Right”. MHA will also include information on reporting suspected discrimination and the phone numbers of the Local Fair Housing Agency and the HUD enforcement office.

- Family Obligations under the program

- Grounds for termination of assistance because of family action or failure to act

- Requesting an Informal Review/Hearing

Other Information to be Provided at the Briefing

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the MHA, and the MHA and the owner.

The briefing interview presentation emphasizes:

- Family and owner responsibilities
- Where a family may lease a unit inside and outside its jurisdiction
- How portability works for families eligible to exercise portability

- Advantages to moving to an area with low concentration of poor families if family is living in a high poverty census tract in the MHA jurisdiction

- Choosing a unit carefully
- Family Self-Sufficiency Program
- Homeownership Program

If the family includes a person with disabilities, MHA will ensure compliance with 24 CFR 8.6 to ensure effective communication.

A written notice will be given to the family explaining that they have a right to select any unit that qualifies for the program and the choice of MHA-owned housing must be made freely.

Owner Briefing

Briefings are held for owners at least once per year. All new owners receive a personal invitation and current owners are notified by mail. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program.

D. Term of Voucher

During the briefing session, each household will be issued a voucher, which represents a contractual agreement between MHA and the family and specifies the rights and responsibilities of each party. It does not constitute admission to the program.

Expirations

The voucher is valid for a period of 60 calendar days from the date of issuance. The family must submit a Request for Lease Approval within the 60-day period unless an extension has been granted by MHA.

If the voucher expires and is not extended by the MHA, or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, he/she may remain as a participant in the unit if there is an assisted lease/contract in effect.

Suspensions

When a Request for Lease Approval (RLA) is received, the term of the voucher will be suspended until a lease and contract is executed for the unit or MHA determines that leasing the unit is not feasible. If the unit cannot be leased, MHA will change the expiration date on the voucher and provide the family the same number of search days that remain in the term on the date the RLA was submitted.

Extensions

A family may request an extension of the voucher time period, in two 30 day increments. All requests for extensions must be received prior to the expiration date of the Voucher. Extensions are permissible at the discretion of the MHA up to a maximum of 60 additional days, for these reasons:

- Extenuating circumstances, such as hospitalization or family emergency, which has affected the family's ability to find a unit within the 60-day period. Verification is required.

- MHA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the MHA, throughout the initial 60-day period. A completed search record is required.

- Family was prevented from finding a unit due to the need to locate an accessible unit to accommodate a disabled family member or to the family's need for a unit with four or more bedrooms. A completed search record is required as part of the verification.

Upon receiving satisfactory documentation of one of the above, MHA will provide extensions in 30 days increments.

E. Assistance to Voucher Holders During Search

Families who require additional assistance during their search may call the MHA to request assistance. Voucher holders will be notified at the briefing that the MHA periodically updates the listing of available units and how the updated list may be obtained. The MHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing, including assistance in locating units outside of areas of high poverty concentration. After the first 60 days, the family is required to maintain a search record and report to MHA every ten days.

F. Voucher Issuance Determination for Split Households

When a family assisted under the HCV Program becomes divided into two otherwise eligible families due to divorce, legal separation or the division of the

family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, MHA shall consider the following factors to determine which of the families will continue to be assisted:

- Which of the two family units has custody of dependent children?
- Which family member was the head of household at issuance (listed on the initial application)?
- Composition of the new family units, including which unit contains elderly or disabled members.
- Whether domestic violence was involved in the breakup.
- Which family member remains in the unit?
- Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, MHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

G. Retention of Voucher for Remaining Member of Tenant Family

To be considered the remaining member of the tenant family, the person must have been previously approved by MHA to be living in the unit. A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member, the court must have awarded emancipated minor status to the minor, or MHA has to have verified that the appropriate agency has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period. A reduction in family size may require a reduction in the voucher size, at the next annual re-examination or move, whichever occurs first.

Chapter 9:

Request for Lease Approval and Contract Execution

A. Introduction

After families are issued a Voucher, they may search for a unit anywhere within the jurisdiction of MHA. If the family qualifies for portability, it may search for a unit outside of MHA's jurisdiction. The family must find a dwelling that meets the program requirements, and the owner or landlord must be willing to enter into a *Housing Assistance Payment Contract* (HAP contract) with MHA. This Chapter defines the types of eligible housing and MHA policy regarding initial inspections, lease requirements, owner disapproval, and the processing of *Requests For Tenancy Approval* (RFTA).

B. Request for Tenancy Approval

The RFTA and a copy of the proposed Lease must be submitted by the family during the term of the Voucher.

The RFTA must be signed by both the owner and Voucher-holder.

MHA will not permit the family to submit more than one RFTA at a time.

Approval of RFTA

MHA will review the RFTA to determine whether or not it will be approved. The request will be approved if:

- Total Tenant Payment is within 40% of the family's adjusted monthly income
- The dwelling is an eligible type of housing
- the dwelling meets HUD's *Housing Quality Standards* (and any additional criteria as identified in this *Administrative Plan*)
- the rent is reasonable
- the security deposit amount is approvable (pursuant to State law)
- the proposed lease complies with HUD and MHA requirements as well as State and local law
- the owner is approvable, and there are no conflicts of interest

Disapproval of RFTA

If MHA determines that the request cannot be approved for any reason, the landlord and the family will be notified in writing. MHA will instruct the family of the steps that are necessary to approve the request. The family will be given five calendar days to submit an approvable RFTA from the date of disapproval.

If, for any reason, a RFTA is not approved, MHA will furnish another RFTA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

C. Eligible Types of Housing

MHA will approve any of the following types of housing in the Voucher program:

- all structure types can be utilized
- manufactured homes where the tenant leases the mobile home or the pad

- independent group residences
- congregate facilities (only the shelter rent is assisted)
- Single-Room Occupancy dwellings
- units owned (but not subsidized) by MHA (following HUD-prescribed requirements)

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad.

A family may lease and have an interest in a cooperative housing development.

Unless its lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister, or brother of any family member. MHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

MHA may not permit a Voucher holder to lease a unit, which is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

The MHA will not approve:

- unit occupied by the owner or by any person with an interest in the unit, other than manufactured homes described above
- nursing homes or other institutions that provide care
- school dormitories and institutional housing
- any other types of housing prohibited by HUD

D. Lease Review

MHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and Puerto Rico law. Responsibility for utilities, appliances, and optional services must correspond to those provided on the RFTA.

Owners may either submit their own lease or permit MHA to furnish the lease. In cases where the owner’s lease is used, the HUD tenancy addendum must be attached and executed.

MHA encourages owners to use a sample lease provided by the MHA, which includes the HUD-mandated language. House Rules of the owner may be attached to the lease as an addendum, provided they must be approved by MHA to ensure they do not violate any fair housing HUD Provisions.

E. Separate Agreements

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for appliances (other than HQS requirements such as utilities, range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the MHA.

Any appliances, services, or other items routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage), or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. With regard to a separate agreement, the family must have the option to not use the service, appliance, or other item. MHA is not liable for unpaid charges for items covered by separate agreements, and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the MHA. If agreements are entered into at a later date, they must be approved by the MHA and attached to the lease.

MHA will approve agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling. If the owner makes modifications to the unit, the costs should be recovered through the rent collected, not by having the tenant pay for the modifications. Exception would be considered if the modifications are such that they most likely would be removed if the tenant moved out.

F. Initial Inspections

See Chapter titled Housing Quality Standards and Inspections.

G. Rent Limitations

MHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

In addition, even when the rent is determined to be reasonable within local rental market conditions, the family may not enter into a lease for the unit if the total tenant payment for the unit will be greater than 40% of the family's adjusted monthly income.

If the proposed *Gross Rent* is not reasonable or the TTP will exceed 40% of the family's adjusted monthly income, at the family's request, MHA will negotiate with the owner to reduce the rent to a reasonable rent.

If the rent can be approved by taking the above steps, MHA will continue processing the RFTA and the Lease. If the revised rent involves a change in the provision of utilities, a new RFTA must be presented to MHA.

If the owner does not agree on the *Contract Rent* after MHA has tried and failed to negotiate a revised rent, MHA will inform the family and owner that the lease is disapproved.

H. Security Deposit Requirements

Leases Effective on or after October 2, 1995

Security deposits charged by owners may not exceed those charged to unassisted tenants or the maximum prescribed by Puerto Rico law.

Leases Effective Prior to October 2, 1995

The amount of security deposit an owner could have collected under contracts effective prior to October 2, 1995 is an amount not to exceed one month's rent at move-in. Owners may use the security deposit to cover unpaid rent owing at time of move out and or other costs allowed under State Landlord-Tenant Act.

I. Information to Owners

MHA is required to provide prospective owners with the address of the applicant and if known, the names and addresses of the current and previous landlords. MHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

MHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen

applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

Upon written request from a prospective landlord, MHA will provide any of the following information regarding a family's tenancy history during the past five years based on documentation in MHA's possession relating to*:*

- eviction history
- damage to rental units
- other aspects of tenancy history; including timely rental payments
- housekeeping (if known)
- drug trafficking by family members

The information will be provided in writing. Only supervisory staff may provide this information. MHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

J. Owners Disapproval

For purposes of this section, "owner" includes a principal or other interested party.

MHA may disapprove the owner for any of the following reasons:

- Owner has a history or practice of failing to terminate the tenancy of residents occupying units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

- threatens the right to peaceful enjoyment
- threatens the health or safety of other residents, of employees of the PHA or of owner employees or other persons engaged in management of the housing
- threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity or the premises

- is drug-related criminal activity or violent criminal activity

- owner has violated obligations under the HAP contract, including but not limited to:

- having a history or practice of non-compliance with the HQS for units leased under the Section 8 programs

- having a history or practice of renting units that fail to meet local housing codes

- committing fraud, bribery, or any other corrupt act in connection with the Section 8 program or any other federal housing program

- engaging in any drug-related criminal activity or any violent criminal activity

- not paying State or City real estate taxes, fines or assessments, water and sewerage bills

- owner has a conflict of interest as described in HUD regulation 24 CFR 982.161(a) and would therefore be unable to enter into a contract with MHA; or owner is employed by MHA as a member of the Section 8 Program staff or is a MHA Commissioner

- when HUD has informed MHA that disapproval is required because:

- owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24

- federal government has instituted an administrative or judicial action against the owner for violating the *Fair Housing Act* or other federal equal opportunity requirements and such action is pending

- court or administrative agency has determined that the owner violated the *Fair Housing Act* or other federal equal opportunity requirements

Before imposing any penalty against an owner, MHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, MHA may restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. MHA may terminate some or all contracts with the owner.

If the landlord has been overpaid as a result of fraud, misrepresentation, or violation of the Contract, MHA may terminate the Contract and arrange for restitution to MHA or the family, as appropriate.

K. Change in Total Tenant payment (TTP) Prior to HAP Effective Date

When the family reports changes in factors that will affect the *Total Tenant Payment* (TTP) prior to the effective date of the HAP contract, the information will be verified and the TTP will be recalculated. If the family does not report any change, MHA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

L. Contract Execution Process

MHA prepares the HAP contract and lease for execution. The family and the owner will execute the lease agreement, and the owner and MHA will execute the HAP contract. The anniversary/annual re-examination date will remain the same throughout the program eligibility of the participant. Copies of the documents will be furnished to the parties who signed the respective documents. MHA will retain a copy of all signed documents.

For new owners, the documents are signed at a *Signature Briefing* attended by the owner, family, and a representative of the MHA. The briefing covers the responsibilities and roles of the three parties.

MHA makes every effort to execute the HAP contract on the commencement of the lease term. The HAP contract may not be executed more than 60 days after commencement of the lease term, and no payments will be made until the contract is executed.

The following MHA representatives are authorized to execute a contract on behalf of the MHA: Executive Director or his designee.

Each owner must provide the following information to MHA:

- current address of residence (not a Post Office box)
- business and home telephone number
- employer Identification Number or Social Security Number
- proof of ownership of the property, Grant Deed, Edification Act and Tax Bill or water and sewer bill
- copy of the Management Agreement, if property is managed by a management agent.

M. Change in Ownership

A change in ownership requires execution of a new contract.

MHA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

MHA must receive a written request by the old owner in order to change the HAP payee and address to which payment is to be sent.

Chapter 10

Housing Quality Standards and Inspections

A. Introduction

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the contract HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the executed HAP contract. MHA will inspect each unit under contract at least annually. MHA will also perform a quality control inspection of the SEMAP required percentage of all units under contract annually to maintain MHA's required standards and to ensure consistency.

HQS standards may be enhanced by MHA, provided that by doing so, MHA does not overly restrict the number of units available for lease under the program. The use of the term “HQS” in this Administrative Plan refers to the combination of both HUD and MHA requirements. This Chapter describes MHA’s procedures for performing HQS and other types of inspections and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family and the consequences of non-compliance with HQS requirements for both families and owners.

B. Guidelines/Types of Inspections

MHA has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations. All units must meet the minimum standards set forth by the Puerto Rico. In cases of inconsistency between the Code and HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service at the initial inspection. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner to have the utilities turned on. The Inspector must return to certify that the utilities are on.

The stove and refrigerator must be present when the unit is inspected.

There are five types of inspections the MHA will perform:

- Initial/Move-in
- Annual
- Special/Complaint
- Move-Out/Vacate
- Quality Control

<u>Initial/Move-In Inspections</u>

The Initial/Move-In Inspection is conducted to:

- Determine if the unit and property meet HQS, as defined in this Plan

- Document the current condition of the unit to assist in future evaluations to determine whether the condition of the unit exceeds normal wear and tear

- Document the information to be used for determination of rent reasonableness

MHA will conduct the initial inspection within a reasonable time after receiving a RFTA form from the family. Every effort will be made to conduct the inspection within 15 days of receiving the RFTA.

If the unit fails the initial HQS inspection, the family and owner will be advised to notify MHA once repairs are completed. The owner will be given up to 30 days from the date of the inspection to correct the deficiencies identified depending on the amount and complexity of work to be done.

The owner will be allowed up to two re-inspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family will be advised by MHA staff to select another unit.

Annual Inspections

The MHA conducts HQS inspections at least annually, at least 60 days prior to the anniversary of the previous inspection. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord, unless the tenant is responsible for the deficiency.

The family must allow MHA to inspect the unit at reasonable times with reasonable notice. Reasonable times to conduct an inspection are on business days only between the hours of 8:00 a.m. and 4:30 p.m. Exceptions may apply. MHA will notify the family in writing at least seven days prior to the inspection.

The family is notified of the date and time interval of the inspection appointment by mail. If an adult member of the family is unable to be present, they must reschedule the appointment so that the inspection is completed within ten days.

If the family does not contact MHA to reschedule the inspection, or the family misses two inspections appointments, MHA will consider the family to have violated a family Obligation and the housing assistance will be terminated in accordance with the termination procedures in the Plan.

When the inspection has been completed, the owner and the family will be informed in writing of any items that failed to meet HQS standards. The failed items must be repaired or replaced prior to MHA re-inspection to certify completion of the required work, and the owner must notify MHA when the repairs have been completed.

Re-Inspection

The family is mailed a notice of the re-inspection appointment. If an adult family member is not at home for the re-inspection appointment, a card will be left at the unit, and the tenant is responsible to call for another appointment.

The family is also notified that it is a Family Obligation to allow MHA to inspect the unit. If the family was responsible for a breach of HQS identified in this Plan, they will be advised of its responsibility to correct the deficiency.

If the Inspector is unable to gain access to the unit for the re-inspection, HAP payments are abated as of the first day of the month following the re-inspection. HAP payments cannot begin again until the inspector is able to enter the unit and determine that the unit meets HQS standards. If the inspector has been unable to gain access at the time of the second attempt to conduct a re-inspection, the owner will receive Notice of Contract Termination.

If the family is responsible for the HQS failure and has failed to make the required correction, the family will receive a Notice of Termination of Assistance.

Time Standards for Repair

Emergency items that endanger the family's health or safety must be corrected within 24 hours of notification.

For non-emergency items, repairs must be made within 30 days of the inspection date

Rent Increases

MHA will conduct an inspection using HQS and other standards approved in this Administrative Plan at least annually prior to the date of the last inspection. Rent increase requests will not be approved if the unit is in a failed condition.

Special/Complaint

If at any time a family, owner, agency, or third party requests a special inspection, MHA will conduct an inspection. MHA will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

Quality Control

Quality Control inspections will be performed on at least the number of files required under SEMAP, of the units inspected by each inspector. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections and to ensure that there is consistency among inspectors in application of the HQS.

C. Emergency Repair Items

Emergency repair items must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Housing Inspector. Items considered to be of an emergency nature include but are not limited to the following.

- Lack of security for the unit
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No running hot water
- Broken glass where someone could be injured
- Obstacle that prevents tenant's entrance or exit
- Lack of functioning toilet
- Lack of water, power or both
- Lack of fire detector

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to effect the repair, proper authorities will be notified by MHA.

If the emergency repair item(s) are not corrected in the time period required by MHA, and the owner is responsible, the HAP payment will be abated and the HAP contract may be terminated.

If the emergency repair item(s) are not corrected in the time period required by the MHA, and it is an HQS breach which is a family obligation, DHC will terminate the assistance to the family and the owner's payment will not be abated.

D. Determination of Responsibility

The family is responsible for breaches of HQS caused by:

- Tenant-paid utilities (water, Power) not in service, or
- Failure to provide or maintain family-supplied appliances; or
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear, as defined in this Administrative Plan.

The owner is responsible for all other HQS violations.

The owner is responsible for eliminating vermin infestation, even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. MHA may terminate the family's assistance on that basis.

The inspector will make the determination of owner or family responsibility during the inspection. If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

E. Consequences if Owner is Responsible-Non-Emergency Items

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repair(s), MHA will conduct a re-inspection to insure repairs are completed within the time period specified by MHA. If repairs are not completed within the time period specified, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective on the first day following the date of the failed re-inspection.

The MHA will inspect abated units within five days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The family will be notified of the re-inspection date.

No retroactive payments will be made to the owner for the period of time while the rent was abated and the unit did not comply with HQS.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the re-inspection, the owner will be sent a HAP Contract Termination Notice with the Notice of Abatement. The abatement will remain in effect until repairs are completed or the contract is terminated.

If repairs are completed the owner or the tenant must notify MHA and request an inspection before the effective termination date. If the unit is in compliance with HQS, the termination will be rescinded by DHC if the tenant chooses to remain in the unit. Only two HQS inspections will be conducted after the termination notice is issued.

Extension

MHA may grant an extension in lieu of termination of assistance in the following cases:

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services
- The repairs must be delayed due to climate conditions

The extension will be made at the discretion of MHA for a period of time not to exceed 30 days. At the end of the extension, if the work is not completed, MHA will terminate the contract and the tenant will be issued a voucher. MHA may on a case-by-case basis issue a longer extension.

F. Consequences if Family is Responsible

If non-emergency violations of HQS are determined to be the responsibility of the family, MHA will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, MHA will terminate assistance to the family. . The owner's rent will not be abated for items, which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

Chapter 11

Owner Rents, Rent Reasonableness, and Payment Standards

A. Introduction

MHA is responsible for ensuring that the rents charged by owners are reasonable based upon objective comparables in the rental market. MHA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS and that the rent is reasonable. MHA will determine rent reasonableness at initial lease-up, other change unit, before any increases in rent to owner and at other times as described in this section. MHA will provide the owner with information concerning rent adjustments.

This chapter explains MHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

B. Owner Payment in the Housing Choice Voucher Program

The payment to the landlord, called the Housing Assistance Payment, is the lower of the:

1. Payment Standard minus the Total Tenant Payment, or

2. Gross rent minus the Total Tenant Payment.

The voucher size issued to the family is based on MHA's subsidy standards. The payment standard for the family is based on the lesser of the payment standard for the voucher size issued or the gross rent for the unit selected.

The Housing Assistance Payment may never exceed the rent charged by the owner.

C. Making Payments to Owners

Once the HAP Contract is executed, MHA begins processing payments to the landlord. The effective date and the amount of MHA payment is communicated in writing via the executed HAP Contract. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. Payments are disbursed by MHA Finance Department to the owner each month.

Payments will only be disbursed on the first of the month. Exceptions may be made with the approval of the Executive Director of Assisted Housing in cases of hardship.

Payments are due to owners on the first of the month. Any payment after the first payment under a contract will be considered late if it has not been postmarked by the 15th of the month. Payments that are not received will not be replaced until a stop payment has been processed.

D. Rent Reasonableness Determinations

MHA will not approve rental amount until MHA determines that the initial rent to owner is a reasonable rent. MHA will re-determine rent reasonableness whenever an owner requests an increase in the rent for an assisted unit. MHA must also re-determine rent reasonableness if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) date as compared with the FMR in effect one year, prior.

MHA must also re-determine rent reasonableness if directed by HUD and based on a need identified by MHA's auditing system. MHA may elect to re-determine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent s most recently determined or re-determined by MHA.

MHA will determine and document on a case-by-case basis that the approved rent:

- Is reasonable in comparison to rent for other comparable, unassisted units in the market, and

- Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex

The data for other unassisted units will be gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys, and other available sources

The market areas for rent reasonableness are indicated by zip code within MHA’s jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Size (number of bedrooms/square footage)

- Location

- Quality

- Amenities (bathrooms, dishwasher, air conditioning, etc.)

- Housing Services

- Age of unit

- Unit Type

- Utilities

- Maintenance

At least three comparables of unassisted units will be used for each rent determination. All comparables must be based on the rent that the unit would

command if leased in the current market. Leased in the current market means that the unit has been leased within the last 360 days.

E. Voucher Program Payment Standards

The Payment Standard is used to calculate the housing assistance payment for a family. The Payment Standard is set by MHA between 90% and 100% of the FMR/exception rent. MHA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, MHA will ensure that the Payment Standard is within the range of 90% to 100% of the new FMR.

Adjustments to Payment Standards

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families rents affordable. The MHA will not raise the payment standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the MHA raise Standards if the need is solely to make “high end” units available to voucher holders.

MHA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The payment standard will be reviewed according to HUD’s requirements and this policy and if an increase is warranted, the payment standard will be adjusted within 90% to 100% of the current FMR. In a volatile market, it is MHA’s discretion as to whether to make the change immediately or to wait until the time of the annual review.

MHA may use some or all of the measures below in making its determination whether an adjustment should be made to the payment standard:

Assisted Families’ Rent Burdens: MHA will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

Availability of Suitable Vacant Units Below the Payment Standard: MHA will review its rent reasonableness and vacancy rate data to determine whether there is an ample supply of vacant units below the payment standard in areas without minority- and/or high poverty concentration.

Quality of Units Selected: MHA will review the quality of units selected by participant families before determining any change to the payment standard to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

MHA Decision Point: MHA will review the quality and size of units where the rents to owners are above the payment standard by more than 25%. If more than 50% of families have selected above-average units or have selected larger units than the voucher size, MHA may elect not to increase the payment standard or continue the analysis.

If the analysis continues, MHA will divide those rents between contracts within the first year and after the first year. If the rents to owners are more than 25% above the average, in any bedroom size, the MHA will continue the analysis. If not, the MHA may elect not to increase the payment standard for certain bedroom sizes.

Rent to Owner Increases: MHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing: MHA may consider the average time period for families to lease up under the voucher program. If more than 50% of voucher holders are unable to locate suitable housing within the term of the voucher and the MHA determines that this is due to 50% of rents in the jurisdiction being unaffordable for families even with the presence of a voucher, the payment standard may be adjusted.

Rent Reasonableness Database/ Average Contract Rents: MHA will compare the payment standards to average rents in its rent reasonableness data and to the average contract rents by unit size. The payment standards should reflect these amounts.

Lowering of the Payment Standard: Statistical analysis may reveal the payment standard should be lowered, in which case, the payment standard should not be less than 90% of the current FMR. If the FMR is lowered, the payment standard may not exceed the FMR except in those cases where families are held harmless until they move to a different dwelling unit or have a change in family composition which would affect their voucher size.

Financial Feasibility: Before increasing the payment standard, the MHA may review the budget and the project reserve, to determine the impact projected subsidy increases would have on available funding for the program and number of families served. For this purpose, the MHA will compare the number of families who could be served under a higher payment standard with the number assisted under current payment standards.

File Documentation: A file will be retained by the MHA for at least three years to document the analysis and findings to justify whether or not the payment standard was changed.

F. Exception Payment Standards

MHA may request HUD approval to establish a payment standard that is higher or lower for a designated area of the city. MHA will submit a request for a lower payment standard if it determines that a lower payment standard is justifiable based on market data from that area and establishing a lower standard would enable MHA to provide housing assistance to more families.

MHA will request a higher (exception) payment standard for all units, or all units of a given size, within a designated area of the city if it determines that a higher payment standard is needed to help families obtain housing outside areas of high poverty.

G. Payment Standards for a Family

Regular Reexamination

If the payment standard decreases during the HAP Contract term, the payment standard for the family is the higher of (1) the payment standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased, or (2) the payment standard at the current or most recent annual exam. If a change in family size or composition occurs affecting the voucher size, the ability to use the initial payment standard will be changed to reflect the appropriate eligibility size for the family.

Interim Examination

If after the beginning of the term of the lease the family has a change in income, family size or composition that would require or allow for an interim adjustment based on MHA's interim policy, MHA will not apply any change in payment standard until the date of the next regular reexamination.

Moves

If the family moves into a different unit prior to its next reexamination and MHA has had a change in the payment standard, the new payment standard will apply The applicable payment standard will be the lower of either the family voucher size issued, or the gross rent of the unit size selected at the time of the move.

H. Rent Adjustments

Voucher Rent Adjustments

Owners may not request rent adjustments in the voucher program to be effective prior to the expiration of the first year of the lease. Rent adjustments therefore are effective only after a 60-day written notice to the family and a copy to MHA. MHA will advise the family as to whether the rent is reasonable and may approve or disapprove the rent increase.

Chapter 12

Reexaminations

A. Introduction

MHA will re-examine the income and household composition of all families at least annually. Annual and interim examinations will be processed in a manner that ensures families are given reasonable notice of decreases in the Housing Assistance Payment (HAP) and corresponding increases in tenant rent. This Chapter describes MHA's policy for performing annual reexaminations. It also explains the interim reporting requirements for families, and the standards for timely reporting of changes in family income or composition.

B. Annual Activities (24 CFR 982.516, 982.405)

There are three activities performed by MHA at least once every year:

1. Reexamination of income, family composition and continued eligibility of student status

2. HQS Inspection

3. Rent to owner Adjustment

C. Annual Reexaminations (24 CFR 982.516)

MHA reexamines each family's income and composition at least annually. This annual reexamination is done to determine the continued eligibility of the family, and to establish the housing assistance payment (HAP) that will be made by MHA, on behalf of the family, to the owner

Frequency of Annual Reexaminations

The effective date of the annual reexamination is set to match the anniversary date of the HAP contract. This is done first, to ensure every family's reexamination takes effect within a 12-month period, and second, to allow the effective date of changes in HAP, resulting from the reexamination process, to coincide with the anticipated effective date of any changes in the rent to owner if approved by MHA.

Moves Between Reexaminations

When families move to another dwelling, the anniversary date for the next annual reexamination will not be changed to the date when the new HAP contract is approved and signed. The re-examination anniversary date will always remain the same.

Income limits are not used as a test for continued eligibility at reexamination, unless the family is moving under portability and changing their form of assistance.

Reexamination Notice to the Family

MHA maintains a reexamination tracking system that provides for supervisory monitoring of the timely initiation, progress, and completion of each reexamination. Over time, each family will attend an in-person interview with MHA staff. However, when necessary reexaminations may be performed by mail.

The family will be notified by mail of the reexamination interview, and of additional reexamination requirements, at least 90 to 120 days in advance of the anniversary date. Families are notified of the date of the interview, the location,

and what documents are required for the interview. Other items will be mailed and must be returned date stamped to be considered by MHA.

Persons with Disabilities

If requested as a reasonable accommodation by a person with a disability, MHA, to the extent feasible, will provide the notice in an accessible format. MHA will also mail the notice to a third party, if requested as a reasonable accommodation for a person with disabilities.

Persons with disabilities who are unable to attend the reexamination interview will be granted a reasonable accommodation which includes, but is not limited to, performing the interview by mail, at the person's home, or at another location, as requested by the family, upon verification that the accommodation requested meets the need presented by the family.

Documents Required from the Family

In the notification letter to the family, MHA will include instructions for the family to present the following information to MHA staff during the reexamination interview:

- Documentation of all assets
- Documents to support any preference claims
- Documentation of any deductions or allowances
- Documentation of income for all family members (welfare assistance, TANF, Social Security, pension, unemployment Compensations*, Child support, evidence for income tax return forms etc.)
- Personal Declaration Checklist Completed by Head of Household and household members age 18 or older.
- Form HUD 9886 Authorization for Release of Information/Privacy Act Notice
- Credit Reference
- Certificate of no penal record*
- References letters
- Certification of Marriage or divorce evidence
- Evidence for last update rent payments
- Family picture
- Last bill of water and power agency
- School certificate (all household members that study)
- Any other information required to ensure program compliance.

* Elderly persons (65 age and over) documents not apply.

Note: All household members age 18 or older must sign the document

Collection of Information (24 CFR 982.516(f))

MHA will require the household members age 18 or older to complete a Personal Declaration Checklist prior to the completion of the annual reexamination. MHA will mail the form and any other required documents to the family along with notification of annual reexamination letter. This letter will specify the date and time by which the family must return their documents to MHA.

Requirement to Attend the Annual Reexamination Interview

The written notification will state which family members are required to attend the interview. All adult household members over the age of 18 must attend the interview. If there is a scheduling conflict, the family, has up to ten days prior to the interview, to call MHA and request another appointment. The head of household is required to attend the reexamination interview. If the head of household is unable to attend, the appointment will be rescheduled. When reexaminations are performed by mail, family members will not be required to attend an interview.

Failure to Attend the Reexamination Interview

If the family does not appear for the interview, and has not rescheduled or made prior arrangements, then MHA will schedule a second appointment. If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, MHA will terminate assistance to the family and they will have 10 days to request a hearing.

Exceptions to this policy may be made by the Assisted Housing Director or corresponding designee if the family is able to document an emergency situation that prevented them from canceling or attending the appointment, or, if requested, as a reasonable accommodation for a person with a disability.

Verification of Information

MHA will follow the verification procedures and guidelines described in another Chapter of this Administrative Plan. Verification documents for reexaminations must be current within 120 days of the Annual Re-examination anniversary date.

Tenant Rent Increases- MHA must approve

If a family's tenant rent increases, a 30-day notice must be mailed to the family prior to the anniversary date. If less than thirty days are remaining before the anniversary date, then the tenant rent increase will be effective on the first of the month following the 30-day notice. If there has been a misrepresentation or a material omission by the family, or if the family caused a delay in the

reexamination processing, the rent increase will be effective on the anniversary date regardless of whether the family has been given 30 days notice or the anniversary date has already passed and the increase must be imposed retroactively.

Tenant Rent Decrease

If tenant rent decreases, more than 60 days prior the annual re-examination, and the participant furnished the information timely and request a change, it will become effective prior to the anniversary date. If the family causes a delay so that the processing of the reexamination is not completed by the anniversary date, a rent decrease will be effective on the first day of the month following completion of the reexamination processing by MHA.

Notification of Annual Reexamination Results

MHA will notify the family and the owner of the results of the annual reexamination in writing. Decreases in the family's share of the rent are effective on the first day of the month following the change. Increases in tenant rent are effective on the first day of the month after at least a 30-day prior notice has been given to the family announcing the increase in the tenant's share of rent payment. The notice will inform the family and the owner of the amount and effective date of the new HAP, the amount and effective date of the new family share of the rent, and the amount and effective date of the new rent to owner.

If the family's total tenant payment (TTP) increases as a result of the reexamination, the assisted family will have opportunity for an informal hearing. MHA will follow the verification procedures and guidelines described in this Administrative Plan. Verifications for reexaminations must be less than 120 days old.

Families Ineligible for Continued Assistance

If the annual reexamination results in zero HAP, the family may continue as a program participant for six months from the date of the reexamination effective date. During that period the HAP contract between the PHA and the owner remains in effect. If the family circumstances change during the six-month period and the family again needs assistance, then MHA will conduct an interim reexamination and reinstate assistance. At the end of six months, however, if the subsidy has not been restored, the HAP contract will terminate. MHA will then provide both the family and the owner with 30 days of advance written notice of the proposed termination and of the opportunity to request an informal hearing.

Interim Reexaminations (24 CFR 982.516)

Interim examinations are performed at any time when deemed necessary—for example, to account for seasonal or irregular income, to balance staff workload, or for other good reasons. Interim examinations are also performed when a family makes a request for one, or when family reported fluctuations (in income or composition) require an interim reexamination. MHA will use the results of interim examinations to adjust the total tenant payment, and continue to provide accurate levels of housing assistance to the owner, on behalf of the family. In each instance mentioned above, both the family and the owner will receive a written notification of the results of the interim re-examination and the effective date of the change.

D. Reporting Interim Changes

When a family experiences a change in either income, or family composition, they must report the change within 30 days of its occurrence. The family must also include, at the time they report their changes to MHA, any information, document, or signatures needed to verify that a change has occurred. If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

See the section below titled, “Changes not reported in a timely manner.”

Increases in Income and Assets

MHA may perform interim reexaminations when families experience an increase in income. Families, however, are still required to report all increases in income or assets of all of the household members to MHA in writing or orally within 30 days of the increase.

Decreases in Income

Families must report a decrease in income and any other changes, which would reduce the amount of tenant rent, such as an increase in allowances or deductions. MHA will calculate the change if a decrease in income is reported.

MHA Errors

If MHA makes a calculation error either at admission to the program an annual reexamination, or during an interim change, MHA will perform a correction to correct the error and no retroactive charge will be applied to the family.

Changes in Family Composition

HUD requires program participants to report all changes in household composition to MHA between annual reexaminations. This includes additions due

to birth, adoption, marriage, and court-award custody. All changes in family composition must be reported within 30 days of the occurrence. The family must obtain MHA's and the owner's written approval prior to all other additions to the household.

MHA will approve additions to the household in the following cases:

- addition due to birth, adoption or court-awarded custody
- one additional bedroom for a MHA-approved live-in attendant
- addition by marriage/or marital-type relation, if issued a zero bedroom sized subsidy
- addition of a minor who is a member of the family, and had been living elsewhere.

If any new family member is added, family income must include any income of the new family member. MHA will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size. If a change requires a larger size unit due to overcrowding, MHA will issue a voucher for the family to search for a new unit.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the new member being approved as part of the assisted family.

MHA may deny a family's request to add additional family members who:

- have been evicted from public housing
- do not meet MHA's definition of family
- commit drug-related criminal activity or violent criminal activity
- have engaged in or threatened abusive or violent behavior toward MHA personnel
- have been part of a family whose assistance has been terminated under voucher program
- have previously violated a family obligation listed in 24CFR982.51 of HUD regulations
- commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- have been convicted of manufacturing methamphetamine on the premises of a dwelling where voucher subsidy is provided to the tenant
- currently owe rent or other amounts to MHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act

MHA may also deny a family's request to add additional family members, if the addition will cause the family to be under housed and require a larger unit size.

Families are required to notify MHA if any family member leaves the assisted household. When the family notifies MHA, it must furnish the following information within ten business days:

- the date the family member moved out
- documentation of the new address of the family member, if known, or provide other verification or documentation to substantiate the absence/move
- court documents verifying divorce, separation or new custody arrangements

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification. Any changes reported by participants other than those listed in this section will be noted in the file by the staff person and may not be processed between regularly scheduled annual reexaminations.

In instances where fraud is suspected, an interim recertification of the family may be required. Form HUD-50058 will be completed and transmitted as required by HUD to record changes. The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by MHA. If the family disagrees with the rent adjustment they may request an informal hearing.

Income Changes Resulting from Welfare Program Requirements (24 CFR 5.615)

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

1. Fraud in connection with the welfare program; or

2. Non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Families Affected by Welfare Rules

Families are affected by the welfare rules discussed above if they receive benefits for welfare or public assistance from a state or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of Imputed Welfare Income

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

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

1. the reason for the reduction
2. the term of the benefit reduction
3. the amount of the benefit reduction
4. subsequent changes in the term or amount of the benefit reduction

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

The amount of the imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted resident when the welfare sanction began, imputed welfare income will not be included in annual income.

Verification Before Denying a Request to Reduce Rent

MHA will obtain written verification or verbal phone verification from the welfare agency stating that the family’s benefits have been reduced due to fraud or non-compliance with welfare agency economic self-sufficiency or work activity requirements before denying the family’s request for rent reduction.

MHA will rely on the welfare agency’s written notice or verbal phone verification regarding welfare sanctions.

Notification Procedures When Interim Changes Reported Affect Tenant Rent

MHA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Changes Reported in Timely Manner (24 CFR 982.516(c))

Increases in the Tenant Rent are effective on the first of the month following at least a 30-day notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change occurred. No rent reductions will be processed, however, until all the facts have been verified, even if a retroactive adjustment results.

Changes Not Reported in a Timely Manner

If the family does not report the change in a timely manner, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement or make a lump sum payment.

Decrease in Tenant Rent will be effective on the first of the month following completion of processing by MHA and not retroactively.

Changes Not Processed by MHA in a Timely Manner

“Processed in a timely manner,” means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by MHA in a timely manner.

Increases in Tenant Rent will be effective after the required 30-day notice prior to the first of the month after completion of processing by the MHA.

Decreases in Tenant Rent. The overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

Chapter 13

Moves with Continued Assistance/Portability

A. Introduction

HUD regulations permit families to move with continued assistance to another unit within MHA's jurisdiction, or to a unit outside of MHA's jurisdiction under portability procedures. The regulations also allow MHA the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of the MHA's jurisdiction, and the policies for restriction and limitations on moves.

B. Allowable Moves

A family may move to a new unit if:

- The assisted lease for the old unit has terminated because MHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).

- The family has given proper written notice of lease termination to the owner and provided a copy to MHA (if the family has a right to terminate the lease on notice to owner).

C. Restrictions on Moves

Families will not be permitted to move within Mayagüez or outside MHA's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period (unless required to do so by MHA to meet HQS or other program standards). See the Administrative Plan Chapter on Housing Quality Standards.

MHA will deny permission to move if there is insufficient funding for continued assistance

MHA may deny permission to move if:

- The family has violated a Family Obligation.
- The family owes money to MHA.
- The family has moved or been issued a voucher within the last six months.

- The Executive Director or designee may make exceptions to these restrictions on a case-by-case basis to minimize family hardship.

D. Procedure for Moves

<u>Issuance of Voucher</u>

Upon request from the family, MHA will schedule the family for a mini briefing, issue a voucher and moving packet.

If the family does not locate a new unit, it may remain in the current unit so long as the owner provides written permission and provides a copy to MHA.

The annual recertification date will not be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and MHA proper written notice of any intent to move.

The family must give the owner at least 30 of days written notice of intent to vacate (or fewer if so specified in the lease) and must give a copy of the vacate notice to MHA simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In any other move, assistance stops at the old unit based on the notice to vacate, and is usually at the end of a month unless proper notice was given to end a lease mid-month, in which payments will cease at the end of the month. Assistance will start on the new unit on the effective date of the contract.

E. Portability

Portability applies to families moving into or out of MHA's jurisdiction. Under portability, families are eligible to receive assistance to lease a unit outside of MHA's jurisdiction. The unit may be located:

- In the same region as the MHA.
- In the same metropolitan statistical area (PR) as the MHA, but in a different town.
- In the jurisdiction of a PHA anywhere within the United States that administers a tenant based program.

F. Outgoing Portability

When a family requests to move outside of the MHA's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one PHA in the area in which the family has selected a unit, MHA will choose the receiving PHA.

If the family is moving to a unit located in an area where there is no PHA, MHA will be responsible for the administration of the family's assistance. In such a situation, MHA will choose a management company, another PHA, or a private contractor to administer the assistance.

Restrictions on Portability

Families will not be permitted to exercise portability under the following circumstances:

During the initial 12 month period after admission to the program, if neither the head, spouse or co-head had a domicile (legal residence) in MHA's jurisdiction at the date of their initial application for assistance.

- If the family is in violation of a family obligation.
- If the family owes money to MHA.
- MHA has the authority to deny a family's request to move under the portability procedures to a unit in another jurisdiction that would require MHA to pay a higher subsidy cost for the same family's assistance and the receiving PHA will not absorb the family.

Outgoing Portability Procedures

MHA will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, the MHA will determine if the family is within the very low-income limit of the receiving PHA.

MHA will notify the receiving PHA that the family wishes to relocate into its jurisdiction.

MHA will advise the family on how to contact and request assistance from the receiving PHA and will notify the receiving PHA that the family will be moving into its jurisdiction.

MHA will provide the following documents and information to the receiving PHA:

- Family Portability Form HUD 52665
- Copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
- Most recent HUD 50058 form and verifications.
- Declarations and verifications of U.S. citizenship/eligible immigrant status.
- Names of MHA staff designated for inquiries on eligibility and billing.
- Administrative fee schedule for billing purposes.

The receiving PHA must notify MHA whether:

- It will absorb the family into its program.
- Family leases up or fails to submit a RFTA by the required date.
- Assistance to the portable family is terminated.
- Family requests to move to an area outside the receiving PHA's jurisdiction.

Payment to the Receiving PHA

MHA will requisition funds from HUD based on the anticipated lease-ups of portable Vouchers in other jurisdictions. Payments for families in other jurisdictions will be made to other PHA's when billed or in accordance with other HUD approved procedures for payment.

When billed, MHA will reimburse the receiving PHA for 100% of the Housing Assistance Payment, 100% of the Special Claims paid on HAP contracts effective prior to October 2, 1995, and 80% of the Administrative Fee (at the initial PHA's rate), and any other HUD-approved fees.

Debts

MHA will be responsible for collecting Debts owed by the family to MHA and for monitoring the repayment. MHA will notify the receiving PHA if the family is in arrears or if the family has refused to sign a repayment agreement, and the receiving PHA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving PHA will be required to submit hearing determinations to MHA within 10 days.

G. Incoming Portability

Absorption or Administration

MHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher based on the availability of funding. If administering, the family will be issued a “Portability” Voucher by MHA with the same start date. MHA may grant extensions in accordance with this Administrative Plan.

When MHA does not absorb the incoming voucher, it will administer the initial PHA's voucher and MHA's policies will prevail.

For initial lease-up, the family must be within MHA's Very-Low Income limits.

MHA will issue a “Portability Voucher" according to its own subsidy standards. If the family has a change in family composition that would change the voucher size ,MHA will change to the proper size based on its own subsidy standards.

MHA will decide whether to extend the "Portability Voucher" and for what period of time. If the family decides not to lease-up in MHA's jurisdiction, however, the family must request an extension from the initial PHA.

Income and TTP of Incoming Portables

As receiving PHA, MHA will conduct a recertification interview but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family’s circumstances.

If MHA conducts a recertification of the family, it will not cause a delay in the issuance of the voucher.

If the family’s income is such that a $0 subsidy amount is determined prior to lease-up in the MHA’s jurisdiction, the MHA will refuse to enter into a contract on behalf of the family at $0 assistance.

Requests for Lease Approval

A briefing will be mandatory for all portability families.

When the family submits an RFTA, it will be processed using MHA’s policies. If the family does not submit an RFTA or does not execute a lease, the initial PHA will be notified by MHA within 15 days of the expiration of the initial voucher.

If the family leases up successfully, MHA will notify the initial PHA within 15 days, and the billing process will start.

If the MHA denies assistance to the family, the MHA will notify the initial PHA within 15 days and the family will be offered a review or hearing.

MHA will notify the family of its responsibility to contact the initial PHA if the family wishes to move outside of MHA's jurisdiction under continued portability.

Terminations

MHA will notify the initial PHA in writing of any termination of assistance within 15 days of the termination. If an informal hearing is required and requested by the family, the hearing will be conducted by MHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the initial PHA.

The initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial PHA notifies the MHA that the family is in arrears or the family has refused to sign a repayment agreement, MHA will terminate assistance to the family.

Required Documents

As receiving PHA, MHA will require the documents listed on the HUD Portability Billing Form from the initial PHA:

- Copy of the family's voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
- Most recent HUD 50058 form and verifications.
- Declarations and verifications of U.S. citizenship/eligible immigrant status.
- Names of MHA staff designated for inquiries on eligibility and billing.
- Administrative Fee Schedule for billing purposes.

Billing Procedures

As receiving PHA (in cases in which MHA does not absorb a family), MHA will bill the initial PHA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be at least quarterly unless requested otherwise by the initial PHA.

MHA will bill 100% of the Housing Assistance Payment, 100% of Special Claim and 80% of the Administrative Fee (at the initial PHA's rate) and any other HUD-approved fees, for each "Portability" voucher leased as of the first day of the month.

MHA will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify MHA of changes in the administrative fee amount billed.

Chapter 14

Contract Terminations

A. Introduction

The Housing Assistance Payments (HAP) Contract is the contract between the owner and MHA, which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the MHA and the owner, and the policies and procedures for such terminations.

B. Contract Termination

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the MHA may be terminated by MHA, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the MHA to the owner after the month in which the Contract is terminated. The owner must reimburse MHA for any subsidies paid by the MHA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for a new unit may begin during the month in which the family moved from the old unit.

C. Termination by the Family: Moves

Family terminations of the lease must be in accordance with the terms of the lease. See Chapter 13 on “Moves with Continued Assistance”

D. Termination by the Owner: Evictions

If the owner wishes to terminate the lease, the owner is required to evict, using the notice procedures in the HUD regulations and Puerto Rico law. The owner must provide MHA with a copy of the eviction notice.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under Puerto Rico law to commence an eviction action.

During the term of the lease the owner may only evict for the following reasons:

- Serious or repeated violation of the terms and conditions of the lease.
- Violation of Federal, State or local law related to occupancy of the unit or use of the premises.
- Criminal activity by the tenant, any member of the household, a guest or another person under the tenant’s control that threatens the health, safety or right

to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.

- Any drug-related criminal activity on or near the premises.

- Tenant history of disturbance of neighbors (excluding acts of domestic violence), destruction of property, or behavior resulting in damage to the premises.

- Other good cause, after the first year of the lease, including business or economic reason for regaining possession of the unit; owner's desire to repossess the unit for personal use; or tenant's refusal to accept offer of a new lease.

MHA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for MHA termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the MHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The MHA must continue making housing assistance payments to the owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By endorsing the monthly check from MHA, the owner certifies that the tenant is still in the unit and she/he is in compliance with the contract. If action is finalized in court, the owner must provide MHA with the documentation, including notice of the lock-out date.

If the eviction is not due to a serious or repeated violation of the lease, and if the MHA has no other grounds for termination of assistance, the MHA will issue a new Voucher so that the family can move with continued assistance.

E. Termination of the Contract by MHA

The term of the HAP contract terminates when the lease terminates, when the MHA terminates program assistance for the family, and when the owner has breached the HAP contract.

MHA may also terminate the contract if:

- MHA terminates assistance to the family.

- Family is required to move from a unit, which is under-occupied, or overcrowded.
- Funding is no longer available under the ACC.
- If 180 days have passed since the last housing assistance payment to the owner.

F. Termination Due to Owner Disapproval

If the MHA terminates the contract due to owner disapproval, MHA will provide the owner and family with at least 30 days written notice of termination of the contract.

Chapter 15

Termination of Assistance

A. Introduction

MHA may terminate assistance for a family because of the family's action or failure to act. MHA will provide families with a written description of the Family Obligations under the program, the grounds under which MHA can terminate assistance, and MHA's informal hearing procedures. This chapter describes when the MHA is required to terminate assistance and MHA's policies regarding the grounds for termination of assistance under an outstanding HAP contract.

If termination is based upon behavior resulting from a disability, the MHA will delay the determination in order to determine if there is an accommodation that would mitigate the behavior resulting from the disability.

B. Grounds for Terminating Assistance

Termination of assistance may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease.
- Terminating HAP payments under an outstanding HAP contract.
- Refusing to process or provide assistance under portability procedures.
- Student under the age of 21 that no longer meets the criteria of being Independent student as defined by U.S. Department of Education

Mandatory Termination of Assistance

MHA will terminate the assistance of participants:

- If any member of the family fails to sign and submit to MHA required consent forms for obtaining information.
- If no member of the family is a U.S. citizen or eligible immigrant.
- If the family is under contract, and 180 days have elapsed since the MHA's last housing assistance payment was made.
- Any member of the family has been convicted of manufacturing or producing methamphetamine on the premises of the assisted dwelling.

Grounds for Termination of Assistance

- MHA will terminate assistance to participants in cases where it determines that there is reasonable cause to believe that the person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. This includes cases where MHA determines that there is a pattern of illegal use of a controlled substance, or pattern of alcohol abuse.
- MHA will consider the use of a controlled substance or alcohol to be a pattern if there has been more than one incident during the previous 12 months.

- MHA may waive this policy if the person demonstrates to its satisfaction that the person is no longer engaging in the illegal use of a controlled substance or abuse of alcohol, and:

- Has successfully completed a supervised drug or alcohol rehabilitation program;

- Has otherwise been rehabilitated successfully; or

- Is participating in a supervised drug or alcohol rehabilitation program.

MHA may at any time terminate program assistance for a participant, for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551.

- The family has not reimbursed MHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family.

- The family breaches an agreement with MHA to pay amounts owed to MHA, or amounts paid to an owner by MHA.

- The family has engaged in or threatened abusive or violent behavior toward MHA personnel.

  “Abusive or violent behavior towards MHA personnel” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

  “Threatening” refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

  Actual physical abuse or violence will always be cause for termination.

- MHA has reason to believe a member of the household is using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- MHA has a reason to believe a member of the household has participated in violent criminal activity.

- Other criminal activity which may threaten the health or safety of other residents, the owner, property management staff or persons performing

responsibilities on behalf of the MHA or the peaceful enjoyment of the premises by other residents.

- MHA determines that a member of the household is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees or a high misdemeanor in Puerto Rico.

- MHA determines that a member of the household is violating a condition of probation or parole imposed under Federal or State law.

MHA may also deny the request of a participating family to add a household member if that person is found to be ineligible for assistance after a review against the above criteria.

C. Family Obligations

- The family must supply any information that the MHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status, as provided by 24 CFR part 812.

- The family must supply any information requested by the MHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

- The family must disclose and verify social security numbers, as provided by 24 CFR part 750, and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.

- All information supplied by the family must be true and complete.

- The family is responsible for an HQS breach caused by the family as described in 982.404(b).

- The family must allow the MHA to inspect the unit at reasonable times and after reasonable notice.

- The family may not commit any serious or repeated violation of the lease.

- The family must notify the owner and, at the same time, notify the MHA before the family moves out of the unit or terminates the lease on notice to the owner.

- The family must promptly give the MHA within ten calendar days a copy of any owner eviction notice.

- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

- The composition of the assisted family residing in the unit must be approved by the MHA. The family must promptly inform the MHA of the birth, adoption or court-awarded custody of a child. The family must obtain owner and MHA approval to add any other family member as an occupant of the unit.

- The family must promptly notify the MHA within ten calendar days if any family member no longer resides in the unit.

- If MHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or MHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.

- Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.

- The family must not sublease or let the unit.

- The family must not assign the lease or transfer the unit.

- The family must supply any information or certification requested by the MHA to verify that the family is living in the unit, or relating to family absence from the unit, including any MHA-requested information or certification on the purposes of family absences. The family must cooperate with MHA for this purpose. The family must promptly notify MHA of absence from the unit.

- The family must not own or have any interest in the unit.

- The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

- The members of the family may not engage in drug-related criminal activity or violent criminal activity.

- An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in

accordance with HUD requirements) federal, State or local housing assistance program.

Housing Authority Discretion

In deciding whether to terminate assistance because of action or failure to act by members of the family, MHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, to the extent of participation or culpability of individual family members, and the length of time since the violation occurred. It may also review the family's more recent record of compliance and consider the effects of termination of assistance on other family members who were not involved in the action or failure to act.

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

Enforcing Family Obligations

Explanations and Terms:

The term "Promptly" when used with the Family Obligations always means "within 10 days." Termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach: The Inspector or Inspections Supervisor will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Inspector or Inspections Supervisor.

Lease Violations: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance.

- If the owner terminates tenancy through court action for serious or repeated violation of the lease; or
- If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the MHA determines that the cause is a serious or repeated violation of the lease based on available evidence; or
- If there are police reports, neighborhood complaints or other third party information, and MHA has verified the information, and

- Non-payment of rent is considered a serious violation of the lease.

Notification of Eviction: If the family requests assistance to move and they did notify MHA of an eviction within 10 days of receiving the Notice of Lease Termination, the move will be denied.

Limitation on Profit-Making Activity in Unit: MHA may prohibit use of a dwelling unit for profit-making activity if it determines that the use of the unit as a business is not incidental to its use as a dwelling unit, or the business activity results in the inability of the family to use any of the critical living areas, such as a bedroom, or if MHA determines the business is not legal.

Interest in Unit: The owner may not reside in the assisted unit regardless of whether the owner is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Housing Choice Voucher Program.

Drug-related or Violent Criminal Activity

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance on or off the premises.

Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered or is recovering from the addiction and does not currently use or possess the substance.

Violent criminal activity includes any criminal activity engaged in by any family member that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible includes documentation of drug raids or arrest warrants.

MHA may pursue fact-finding efforts as needed to obtain credible evidence.

Notice of Termination of Assistance

In any case where the MHA decides to terminate assistance to the family, the MHA must give the family written notice which states:

- Reason(s) for the proposed termination.
- Effective date of the proposed termination.
- Family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
- Date by which a request for an informal hearing must be received by MHA.

MHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the termination of assistance. The notice to the owner will not include any details regarding the reason for termination of assistance.

D. Procedures for Non-Citizens

Termination Due to Ineligible Immigrant Status

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

Temporary Deferral of Termination of Assistance

Ineligible families who were participants as of June 19, 1995, may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

False or Incomplete Information

When the MHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by a participant, an investigation will be conducted and the individual will be given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the MHA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The MHA will then verify eligible status and terminate or prorate the assistance as applicable.

The MHA will terminate assistance based on the submission of false information or misrepresentations.

Procedure for Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with MHA either after the INS appeal or in lieu of the INS appeal.

After MHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

E. Zero Assistance Tenants

HAP Contracts Executed On or After 10/2/95

The family may remain in the unit at $0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the contract will be terminated.

If, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment before the contract terminates, MHA will resume assistance payments for the family. A family may move to another unit before the contract is terminated and receive assistance if the rent for the new unit will result in a housing assistance payment.

F.Option Not to Terminate for Misrepresentation & VAWA

If the family has misrepresented any facts that caused MHA to overpay assistance, MHA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and

makes payments in accordance with the agreement or reimburses the MHA in full.

Violence Against Women Act and Department of Justice Reauthorization Act (VAWA) prohibits the eviction of and removal of assistance from, certain persons living in public or Section 8 assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking as those by VAWA (42 U.S.C. 13925).

G. Misrepresentation in Collusion with Owner

If the family is willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the MHA may terminate assistance. In making this determination, the MHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

H. Missed Appointments and Deadlines

It is a Family Obligation to supply information, documentation, and certification as needed for the MHA to fulfill its responsibilities. MHA schedules appointments and sets deadlines in order to obtain the required information. The 'Family Obligations' also require that the family allow MHA to inspect the unit, and appointments are made for this purpose.

A participant who fails to keep an appointment or to supply information required by a designated deadline without notifying MHA may be sent a Notice of Termination of Assistance for failure to provide the required information or for failure to allow MHA to inspect the unit.

The family will be given information about the requirement to keep appointments, and the number of times appointments will be rescheduled as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Verification Procedures.
- Voucher Issuance and Briefings.
- Housing Quality Standards and Inspections.
- Re-certifications.
- Informal Hearings

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency.
- Incarceration.
- Family emergency.

Procedure When Appointments Are Missed or Information Not Provided

For most purposes in this Plan, the family will be given two opportunities before being issued a Notice of Termination for breach of a family obligation.

After issuance of a termination notice, if the family offers to correct the breach within the time allowed to request a hearing, the notice may be rescinded if the family offer to cure the breach and the family does not have a history of non-compliance.

Chapter 16:

Owner Disapproval, Restriction, and Changes in Ownership

The policies in this Chapter describe the criteria for disapproving an owner's participation in the program.

A. Disapproval of Owner [24 CFR 982.306, 982.54 (d)(8)]

For purposes of this section, “owner” includes a principal or other interested party.

An owner will not be approved if MHA is informed by HUD that:

1. The owner has been disbarred, suspended, or is subject to a limited denial of participation under 24 CFR part 24

2. The Federal government has instituted an administrative or judicial action against the owner for violating the Fair Housing Act or other federal equal opportunity requirements and such action is pending

3. A court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements

An owner will not be approved for any of the following reasons:

1. Owner has violated obligations under the Housing Assistance Payments contract, including but not limited to:

a. Having a history or practice of non-compliance with the HQS for units leased under the Section 8 programs

b. Having a history or practice of renting units that fail to meet local housing codes

c. Committing fraud, bribery or any other corrupt act in connection with the Section
8 program or any other federal housing program

d. Engaging in any drug-related criminal activity or any violent criminal activity

e. Not paying Puerto Rico State, or local, real estate taxes, fines or assessments, water and sewerage bills

2. Owner has a history or practice of failing to terminate the tenancy of residents occupying units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

a. Threatens the right to peaceful enjoyment

b. Threatens the health or safety of other residents, of employees of the PHA or of owner employees or other persons engaged in management of the housing

c. Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity or the premises

d. Is drug-related criminal activity or violent criminal activity

3. Owner has a conflict of interest as described in HUD regulation 24 CFR 982.161(a) and would therefore be unable to enter into a contract with MHA; or owner is employed by MHA as a member of the Section 8 Program staff or is a MHA Commissioner.

4. The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD or with financing from other local or state government agencies.

5. The owner has engaged in actual physical abuse or has threatened abusive or violent behavior toward a resident, a member of the public, or MHA personnel. Note:

a. “Abusive or violent behavior” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for disapproval of an owner.

b. “Threatening” refers to oral or written threats, or physical gestures, that communicate intent to abuse or commit violence.

Before imposing any penalty against an owner, MHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

B. Renting from Relatives

The owner may not be a parent, child, grandparent, grandchild, sister or brother of any participant. MHA may waive this restriction as a reasonable accommodation when a household member is a person with a disability.

Owners may not live in the same unit with assisted family members in a lease-shared housing arrangement unless specifically approved by HUD.

In cases where the owner and tenant bear the same last name, MHA may, at its discretion, require the participant or owner to state whether they are related to each other, and if so in what manner.

C. Limitations on Owner's Participation and Termination [24 CFR 982.453]

If an owner is guilty of frequent or serious Housing Assistance Payment (HAP) Contract violations, including repeated failure to enforce lease agreements with assisted families, or has committed fraud, bribery, or any other corrupt or criminal act, or has engaged in drug related criminal activity, the HAP contract with the owner may be terminated and the owner prohibited from future participation in the program for a period of time commensurate with the seriousness of the offense.

If the landlord has been overpaid as a result of fraud, misrepresentation, or violation of the Contract, MHA may terminate the Contract and arrange for restitution to MHA or the family, as appropriate.

Change in Ownership

A change in ownership requires execution of a new HAP Contract, at the next annual re-examination or sooner, if the new owner elects to execute a new lease However MHA and the new owner may complete an Assignment of HAP Contract and Lease document that will affirm the new owner's agreement with the HAP Contract(s) already in effect for the affected families, and the new owner's willingness to be bound by the terms of the existing lease.

MHA will process a change of ownership only upon the written request of the new owner and only if accompanied by proof of ownership such as a copy of the escrow statement or other document showing the transfer of title or recorded deed. Additionally, a copy of the new owner's Employee Identification Number or Social Security Number and photo identification are required.

Chapter 17

Owner or Family Debts to MHA

A. Introduction

This Chapter describes MHA's policies for the recovery of monies that have been overpaid for families and to owners. It describes the methods that will be used for collection of monies and the guidelines for different types of debts.

It is MHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support MHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the MHA, the MHA will make every effort to collect it. The MHA will use a variety of collection tools to recover debts including, but not limited to:

- Civil suits
- Abatements
- Credit bureaus
- Collection agencies
- Repayment agreements
- Reduction in HAP to owner
- Income Tax set-off programs
- Requests for lump sum payments

B. Repayment Agreement for Families (24 CFR 982.552 (c)(v-vii)

A repayment agreement as used in this Plan is a document entered into between MHA and a person who owes a debt to MHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of repayment, any special provision of the agreement, and the remedies available to MHA upon default of the agreement.

MHA May Decline to Enter Into a Payment Agreement

MHA, in its sole discretion, may enter into payment agreements with owners and participants. MHA will generally not enter into payment agreements when:

- There is an existing payment agreement between MHA and the family

- MHA determines that the family has committed or has attempted to commit program fraud

- MHA determines that the amount owed is more than the participant can repay in a reasonable period of time

Terms and Conditions of Payment Agreements

MHA shall prescribe the terms and conditions of any payment agreement.

Term

The payment agreement term shall generally be for 12 months or less, but shall in any event be the minimum time period in which the family can be reasonably expected to repay the debt owed. The Assisted Housing Director may approve terms of up to 24 months when necessary.

First Payment Required Upon Execution of Payment Agreement

The participant shall, prior to execution of the Payment Agreement, make an initial payment equal to the total amount due divided by the number of months of the term of the payment agreement (e.g. 1/12th for a 12 month payment plan, 1/18th for an 18 month payment plan, etc.).

The Assisted Housing Director may approve a decrease in the monthly payment for families who experience a hardship, provided that the family requests a decrease in a reasonable time and provides verification of the hardship. The change in monthly payment shall be made an attachment to the payment agreement and shall be signed by the Assisted Housing Director and the family. The term of the payment agreement shall be lengthened accordingly, up to a maximum of 24 months.

Execution

Payment Agreements shall be executed by the head of the household and the co-head or spouse, as applicable.

The Payment Agreement shall be executed for MHA by the Assisted Housing Director or designee.

Cashier Check or Money Order

Payments shall be made by money order or cashier's check.

C. Late Payments

A payment will be considered to be in arrears if the payment has not been received by the close of business three days after the due date. If the due date

falls on a weekend or holiday, payment will be due at the close of the next business day.

If the family's repayment agreement is in arrears, the MHA may:

- Require the family to pay the balance in full.
- Pursue civil collection of the balance due.
- Terminate the housing assistance.
- Grant an extension of 10 days.

Requests to Move

No move will be approved until the debt is paid in full, unless the move is the result of one of the following causes:

- Family size exceeds the HQS maximum occupancy standards;

- HAP contract is terminated due to owner non-compliance or opt-out;

- Man made or Natural disaster

- The move is pursuant to a reasonable accommodation approved by MHA

- The move is necessary as a result of domestic violence, with documentation of police reports and a court-ordered restraining order

If the family has a repayment agreement in place and incurs an additional debt to the MHA, MHA will not enter into more than one repayment with the family. Any new debts must be paid in full.

D. Debts due to Fraud or Non-Reporting of Information

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

"Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements."

Family Error/Late Reporting

Families who owe money to MHA due to program fraud or the family's failure to report increases in income will be required to repay in accordance with the guidelines in the repayment section of this chapter.

Program Fraud

If a family owes an amount that equals or exceeds $2,500 as a result of program fraud, the case will be referred to Inspector General. Where appropriate, the MHA will refer the case for criminal prosecution.

E. Owner Debts to MHA

If MHA determines that the owner has retained Housing Assistance or Claim Payments that the Owner is not entitled to, the MHA may reclaim the amounts from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, the MHA will:

- Require the owner to pay the amount in full within 30 days or enter into a Repayment Agreement for the amount owed.
- Pursue collections through the local court system.
- Restrict the owner from future participation.

F. Writing off-Debts

Debts will be written-off if:

- the debtor's whereabouts are unknown and the debt is more than seven years old
- a determination is made that the debtor is judgment proof
- the debtor is decreased and has no estate
- the debtor is confined to an institution indefinitely or for more than five years
- the amount is less than $500 and the debtor cannot be located

Complaints and Appeals

A. Introduction

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of MHA. This Chapter describes the policies, procedures and standards to be used when families disagree with a MHA decision. The procedures and requirements are explained for informal reviews and hearings. It is the policy of MHA to ensure that all families have the benefit of all protections due to them under the law.

B. Complaints to MHA

MHA will respond promptly to complaints from families, owners, employees, neighbors of participants, and members of the public. All complaints will be documented. MHA may require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

The categories of complaints are:

- initial complaints from families when the family disagrees with an action or inaction of MHA or owner
- initial complaints from owners when the owner disagrees with an action or inaction of MHA or a family
- initial complaints or referrals from the general public or persons in the community or officials regarding MHA, a family or an owner
- complaints from staff when a staff person reports an owner or family either violating or not complying with program rules

C. Informal Review Procedures for Applicants

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

When the MHA determines that an applicant is ineligible for the program or for a preference claimed, the family must be notified of their ineligibility in writing. The notice must contain:

- reason(s) they are ineligible

- procedure for requesting a review if the applicant does not agree with the decision
- time limit for requesting a review

MHA must provide applicants with the opportunity for an informal review of decisions denying the following:

- listing on MHA's waiting list
- qualification for preference
- issuance of a Voucher
- assistance under portability procedures
- participation in the program

Informal reviews are not required for established policies and procedures and MHA determinations such as:

- discretionary administrative determinations by MHA
- general policy issues or class grievances
- determination of the family unit size under the MHA subsidy standards
- refusal to extend or suspend a Voucher
- disapproval of lease
- determination that unit is not in compliance with HQS
- determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an informal review must be received by the close of the business day, no later than 10 days from the date of receipt of MHA's letter denying assistance. The informal review will be scheduled within a reasonable time frame (generally within 30 days) from the date the request is received.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. The review may be conducted by a staff person who occupies a supervisory position.

The applicant will be given the option of presenting oral or written objections to the decision. Both MHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

Review will generally be held in the office; however, reviews may be conducted by mail or telephone if required to provide reasonable accommodation.

A Notice of the Review findings will be provided in writing to the applicant within 10 days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for review, supporting documentation, and a copy of the final decision will be retained in the family's file.

D. Informal Hearing Procedures

MHA will provide a copy of the hearing procedures in the family briefing packet.

When MHA makes a decision regarding a participant's eligibility and the amount of assistance, the participant must be notified in writing. The MHA will give the family prompt notice of such determinations, which will include:

- proposed action or decision
- date the proposed action or decision will take place
- family's right to an explanation of the basis for the decision
- procedures for requesting a hearing, if the family disputes the action or decision
- time limit for requesting the hearing

MHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following MHA determinations:

- family's annual or adjusted income and the housing assistance payment
- appropriate utility allowance used from schedule
- family unit size under MHA subsidy standards
- termination of assistance for any reason

- termination of a family's FSS Contract, withholding supportive services, or proposing forfeiture of the family's escrow account

- payment to an owner for damages, unpaid rent or vacancy loss claim

MHA must always provide the opportunity for an informal hearing for termination of assistance.

Informal hearings are not required for established policies and procedures and MHA determinations such as:

- discretionary administrative determinations by MHA
- general policy issues or class grievances

- establishment of MHA schedule of utility allowances for families in the program

- MHA determination not to approve an extension of a Voucher term

- disapproval of unit or lease

- unit is not in compliance with HQS (MHA must provide hearing for family breach of HQS because that is a family obligation determination)

- unit is not in accordance with HQS because of the family size

- determination to exercise or not to exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is MHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the MHA will ensure that participants will receive all of the protections and rights afforded by the law and the regulations.

When the MHA receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

- date and time of the hearing

- location where the hearing will be held

- family's right to bring evidence, witnesses, legal or other representation at the family's expense

- right to view any documents or evidence in the possession of MHA and upon which MHA based the proposed action and,

- at the family's expense, to obtain a copy of such documents prior to the hearing

- requests for such documents or evidence must be received no later than seven days before the hearing date

- notice to the family that the MHA will request a copy of any documents or evidence the family will use at the hearing

Hearing Procedures

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact MHA within one (1) business day. The MHA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- present written or oral objections to MHA's determination

- examine the documents in the file, which are the basis for the MHA's action, and all documents submitted to the Hearing Officer

- copy any relevant documents at their expense

- present any information or witnesses pertinent to the issue of the hearing

- request that MHA staff be available or present at the hearing to answer questions pertinent to the case

- be represented by legal counsel, advocate, or other designated representative at their own expense

If the family requests copies of documents relevant to the hearing, MHA will make the copies for the family.

In addition to other rights contained in this Chapter, MHA has a right to:

- present evidence and any information pertinent to the issue of the hearing

- be notified if the family intends to be represented by legal counsel, advocate, or another party

- examine and copy any documents to be used by the family prior to the hearing
- have its attorney present
- have staff persons and other witnesses familiar with the case present

The informal hearing shall be conducted by the Hearing Officer appointed by the Executive Director who is neither the person who made or approved the decision, nor a subordinate of that person.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. “Documents” includes records and regulations.

The Hearing Officer may ask the family for additional information and might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the MHA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the MHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the MHA and the family within 30 days and shall include:

- clear summary of the decision and reasons for the decision
- if the decision involves money owed, the amount owed
- date the decision goes into effect

MHA is not bound by hearing decisions which:

- concern matters in which MHA is not required to provide an opportunity for a hearing
- conflict with or contradict to HUD regulations or requirements
- conflict with or contradict Federal, State or local laws
- exceed the authority of the person conducting the hearing

The Assisted Housing Executive Director for MHA, shall send a letter (within 10 days) to the participant if MHA determines that it is not bound by the Hearing Officer's determination. The letter shall include MHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

E. Hearing and Appeal Provisions for "Restrictions on Assistance to Non-Citizens" [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the MHA hearing is pending but assistance to an applicant may be delayed pending the MHA hearing.

<u>INS Determination of Ineligibility</u>

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, MHA must notify the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with MHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give MHA a copy of the appeal and proof of mailing, or MHA may proceed to deny or terminate. The time period to request an appeal may be extended by MHA for good cause.

The request for a MHA hearing must be made within 14 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 14 days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in section E of this Chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members MHA will:

- deny the applicant family
- defer termination if the family is a participant and qualifies for deferral
- terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, MHA will offer to prorate assistance or give the family the option to remove the ineligible persons.

<u>All Other Complaints Related to Eligible Citizen/Immigrant Status</u>

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide requested documents or certification.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights describes above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

F. Mitigating Circumstances for Applicants and Participants with Disabilities [24 CFR 982.204, 982.552(c)]

When applicants are denied assistance, or MHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review and informal hearing process.

Chapter 19

Home Ownership Program

A. General Provisions.

(1) Legal Background.

Although Section 8 is primarily a rental housing subsidy program, it also has limited provisions for assistance to homeowners.

Section 8(y), added to the U.S. Housing Act of 1937 by the Housing and Community Development Act of 1992, and revised by QHWRA, provides a broader family-based home ownership assistance program for first-time homebuyers.

A first-time homebuyer is generally defined as a family in which no member has had an ownership interest in a principal residence during the previous three years.

However, the definition also includes a single parent or displaced homemaker who, while married, owned a home with his or her spouse or resided in a home owned by his or her spouse.

(2) Key Program Features.

HUD has established the following key program features:

(i) First-time homeowner or cooperative member.

(ii) A family that has not owned or had ownership interest in the past three years.

(iii) Minimum income requirement

Except in the case of disabled families, the qualified annual income of the adult family members who will own the home must not be less than the Federal minimum hourly wage multiplied by 2,000 hours (currently $10,300). For disabled families, the qualified annual income of the adult family members who will own the home must not be less than the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone multiplied by 12 (currently $7,236). MHA may also establish a higher minimum income requirement for either or both types of families. Except in the case of an elderly or disabled family, welfare assistance is not counted in determining whether the family meets the minimum income requirement.

iv. Employment requirement.

MHA will exempt the employment requirement for a family that includes a person with disabilities and MHA determines that an exemption is needed as a reasonable accommodation, so that the program is readily accessible to, and usable by, persons with disabilities.

One or more adults in the family, who will own the home, must be currently employed on a full-time basis and has been continuously employed on a full-time basis for at least one year before commencement of homeownership assistance.

v. Additional PHA eligibility requirements.

The family must meet any other initial eligibility requirements set by the PHA.

vi. Homeownership counseling.

The family must attend and satisfactorily complete MHA's pre-assistance homeownership and housing counseling program. (Minimum of 8 Hours)

(3) Local Home Ownership Policy, Goals and Objectives

The Section 8 Home Ownership Program of MHA permits eligible participants in the Section 8 housing choice voucher program, including participants with portable vouchers, the option of purchasing a home with their Section 8 assistance rather than renting.

Two options are available for this assistance: monthly homeownership assistance payment on behalf of a family, and to provide homeownership assistance for the family in the form of a single grant to be used toward the down-payment required in connection with the purchase of the home if the fund available. Until HUD publishes the regulations for down payment assistance, only monthly homeownership assistance is available.

The home ownership option is limited to five percent (5%) of the total Section 8 voucher program administered by MHA in any fiscal year, provided that disabled families shall not be subject to the 5% limit.

If applications exceed such 5% limit, participants in the Family Self Sufficiency ("FSS") program shall receive a priority for participation in the home ownership program.

Eligible applicants for the Section 8 home ownership program must have completed an initial Section 8 lease term, may not owe MHA or any other

Housing Authority an outstanding debt, and must meet the eligibility criteria set forth herein.

Section 8 home ownership assistance may be used to purchase the following type of homes within MHA's jurisdiction: new or existing single-family, condominium, planned use developments, cooperatives, lofts, or manufactured homes. MHA will permit portability of Section 8 home ownership assistance to another jurisdiction, provided the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes MHA to administer the home ownership assistance in their jurisdiction.

In order to effectively develop MHA's Homeownership Program, the agency has agreed upon a set policy for the administration and implementation of the program. This covers the applicant eligibility for the program, the application process, the financial and participatory requirements and the responsibilities of the housing agency and the counseling organizations in the administration of the program. Program participants will also be informed of their rights as homebuyers. Upon purchasing a home, families are required to sign a "Statement of Homeownership Obligations," agreeing to comply with the mortgage, maintain the property, and pay the taxes, utilities, and insurance.

MHA will work with banking, financial institutions, or non-profit organizations that have indicated interest in working with the program, and offered loan products and other concessions that will further the affordability of mortgages for participants. Many Section 8 participants will be eligible for subsidy funds providing down payment and closing cost assistance complemented with funds from the HOME Program, Government Funds (Llave a tu Hogar) , the Affordable Housing Program from the Federal Home Loan Bank of New York and any private corporation and foundation which pursue affordable housing. MHA will assist and coordinate the post purchase counseling and educational support and any proactive efforts on behalf of the homeowners so as to provide a safety net against defaults.

B. Family Eligibility and Participation Requirements

(1) Selection and Admission of Applicants to the Program

(i) Section 8 Tenants

Participation in the Section 8 home ownership program is voluntary. Each Section 8 home ownership participant must meet the general requirements for admission to the Section 8 housing choice voucher program as set forth in this Chapter of MHA's Administrative Plan. Such Section 8 family must also be "eligible" to participate in the home ownership program.

(ii) Preference for Participation in FSS Program.

Applicants for the home ownership program are not required to participate in MHA's Family Self Sufficiency ("FSS") program in order to participate in the home ownership program. However, in the event the applications for home ownership assistance exceed five percent (5%) of MHA's total voucher program in any fiscal year, FSS participants shall have a preference for participation in the home ownership program. Participants in an Individual Development Account ("IDA") program administered by an agency other than MHA will also receive a preference for home ownership assistance in the event applicants for home ownership assistance exceed the 5% limitation.

(2) Portability

Participants with portable vouchers may purchase a home in a jurisdiction other than the one in which MHA operates, provided the Housing Authority in the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes MHA to administer the home ownership assistance in their jurisdiction. In the former case, a family's participation in the Section 8 home ownership program will be subject to the Section 8 home ownership program and policies of the receiving jurisdiction.

(3) Affordability Standards

No affordability standards are issued other than this one: the mortgage payment of the homebuyer should not exceed the payment standard authorized to the family at the time of recertification.

(4) Employment and Credit Requirements

(i) Amount of Income

At the time the family begins receiving homeownership assistance, the head of household, spouse, or other adult household members who will own the home, must have a gross annual income at least equal to the Federal minimum hourly wage multiplied by 2000 hours.

(ii) Employment History.

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of home ownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for one year prior to execution of the sales agreement. In order to reasonably

accommodate a family's participation in the program, MHA will exempt families that include a person with disabilities from this requirement MHA may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. It may also consider successive employment during the one-year period and self-employment in a business.

(iii) Exclusion of Welfare Assistance Income.

With the exception of elderly and disabled families, MHA will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families ("TANF"); Supplemental Security Income ("SSI") that is subject to an income eligibility test; food stamps; general assistance; or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the home ownership program. It does not affect the determination of income-eligibility for admission to the Section 8 housing choice voucher program, calculation of the family's total tenant payment, or calculation of the amount of home ownership assistance payments.

(5) First-Time Homeowner

Each Section 8 family, except families with a disabled member, must be a first-time homeowner. A "first-time homeowner" means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home ownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a "first-time homeowner" for purposes of the Section 8 homeownership option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest." A member of a cooperative (as defined in § 982.4) also qualifies as a "first time homeowner".

(7) Minimum Down Payment

For the down payment option the family must:

(i) The family has a sufficient resource to pay a down payment equal to 3% of the purchase price of a typical home that meets their family household size and closing costs. No less than 1% will come from the participant's equity or the standard generally accepted by the industry.

(ii) The family has demonstrated to MHA that its gross income is sufficient to meet homeownership and other family expenses. MHA reserves the right to determine whether a family can or cannot afford the proposed financing before making the recommendation for assistance participation.

(iii) The family has accrued at least $500.00 in an escrow account.

(8) Credit Requirements

In compliance with the Fair Credit Act, the lending institution will determine the participant's credit worthiness. In case the participant is unable to meet this initial criterion he or she will be referred to credit counseling and then the person will be reconsidered for program participation.

(9) Application Process and Review Criteria

Once a family is determined to be eligible to participate in the program, it must comply with the following additional requirements: (i) complete a home ownership counseling program approved by MHA prior to commencement of home ownership assistance; (ii) within a specified time, locate the home it proposes to purchase; (iii) submit a sales agreement containing specific components to MHA for approval; (iv) allow MHA to inspect the proposed home ownership dwelling to assure that the dwelling meets appropriate housing quality standards; (v) obtain an independent inspection covering major building systems; (vi) obtain MHA's approval of the proposed mortgage (which must comply with generally accepted mortgage underwriting requirements); and (vii) enter into a written agreement with MHA to comply with all of its obligations under the Section 8 program.

(10) Other Eligibility Restrictions

(i) Repayment of Any Housing Authority Debts.

Participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program in the event any debt or portion of a debt remains owed to MHA or any other Housing Authority.

Nothing in this provision will preclude Section 8 participants that have fully repaid such debt(s) from participating in the Section 8 home ownership program.

(ii) Completion of Initial Lease Term.

Applicants for and new participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program until completion of an initial Section 8 lease term and the participant's

first annual recertification in the Section 8 housing choice voucher program. Nothing in this provision will preclude Section 8 participants that have completed an initial lease term in another jurisdiction from participating in the Section 8 home program.

iii. Elderly and Disabled Households.

Elderly and disabled families are exempt from the employment requirements set forth in Paragraph 5 (ii) above. In the case of an elderly or disabled family, MHA will consider income from all sources, including welfare assistance in evaluating whether the household meets the minimum income required to purchase a home through the Section 8 home ownership program. Additionally, MHA will approve a live-in aide if needed as a reasonable accommodation so the program is readily accessible to and useable by persons with disabilities. The disability must be documented by a licensed health care provider.

iv. Prior Mortgage Defaults.

If a head of household , spouse, or other adult household member who will execute the contract of sale, mortgage and loan documents have previously defaulted on a mortgage obtained through the Section 8 home ownership program, the family will be ineligible to participate in the home ownership program.

(11) Counseling Participation Requirement

A family's participation in the home ownership program is conditioned on the family attending and successfully completing a home ownership and housing counseling program provided or approved by MHA prior to commencement of home ownership assistance. The home ownership and counseling program will cover home maintenance; budgeting and money management; credit counseling; negotiating purchase price; securing mortgage financing and finding a home.

The counseling agency providing the counseling program shall be HUD approved either under HUD's Housing Counseling program. MHA may require families to participate in an approved home ownership-counseling program on a continuing basis.

(12) First Home Clubs

A new initiative could be coordinated with lending institution members of the Federal Home Loan Bank of New York; they provide a grant to sponsor the program "First Home Club" (FHC). This program is for first-time homebuyers and provides subsidy funds to assist very low, low, and moderate-income households overcome the financial difficulties of purchasing a home. The program is a non-

competitive set-aside of the Affordable Housing Program (AHP) and is administered through approved members of the Federal Home Loan Bank of New York (Bank).

The FHC provides down payment and closing cost assistance by granting three dollars in matching funds for each dollar saved to qualified first-time homebuyers who follow a systematic savings plan and participate in an approved homeownership counseling program. Matching funds will be awarded to qualified households based on the total savings deposited in a dedicated account with an approved member bank State Programs, Home Funds, etc.

C. The Housing Unit Requirement

(1) Timeframe to Locate

Upon approval for the Section 8 home ownership program, a family shall have one hundred eighty (180) days to locate a home to purchase. A home shall be considered located if the family submits a proposed sales agreement with the requisite components to MHA. For good cause, MHA may extend a Section 8 family's time to locate the home for additional 30 thirty-day increments. During a Section 8 participant's search for a home to purchase, their Section 8 rental assistance shall continue pursuant to the Administrative Plan. If a Section 8 participant family is unable to locate a home within the time approved by MHA, then their Section 8 rental assistance through the Section 8 housing choice voucher program shall continue. Once a home is located and a sales agreement is approved by MHA and is signed by the family, the family shall have up to three (3) months, or such other time as is approved by MHA, or set forth in the approved sales agreement, to purchase the home. If a Section 8 participant is unable to purchase the home within the maximum time permitted by MHA, it shall continue the family's participation in the Section 8 housing choice voucher program. The family may not re-apply for the Section 8 home ownership program until they have completed an additional year of participation in the Section 8 housing choice voucher program following the initial determination of their eligibility for the home ownership option.

(2) Type of Home

A family approved for Section 8 home ownership assistance may purchase the following type of homes: a new or existing home, a single-family home, a condominium, a home in a planned use development, a cooperative, or a manufactured home. The home must already exist or be under construction at the time MHA determines the family is eligible for home ownership assistance [to purchase the unit (§ 982.628(a)(2).]

(3) Seller cannot be debarred, suspended or Subject to LDP by HUD

The seller could not be posted in the Limited Denial of Participation (LDP). The listing is normally issued by a HUD Field Office and is an action that excludes a specific individual(s) or firm(s) from participating in a specific program, or programs, within that HUD Field Office's geographic jurisdiction, for a specific period of time. In limited instances HUD Headquarters may also issue LDP's.

(4) Extension of Jurisdiction

Mayaguez PR is the main location for the homeownership program. Nevertheless, extension of this jurisdiction could be granted to participants with portable vouchers that may purchase a home in a jurisdiction other than MHA's jurisdiction, provided the Housing Authority in the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes MHA to administer the home ownership assistance in their jurisdiction. In the former case, a family's participation in the Section 8 home ownership program will be subject to the Section 8 home ownership program and policies of the receiving jurisdiction.

(5)Lease-Purchase

Families may enter into lease-purchase agreements while receiving Section 8 rental assistance. All requirements of the housing choice voucher program apply to lease-purchase agreements, except that families are permitted to pay an extra amount out-of-pocket to the owner for purchase related expenses-- a "home ownership premium." Any "home ownership premium," defined as an increment of value attributable to the value of the lease-purchase right or agreement, is excluded from rent reasonableness determination and subsidy calculation, and must be absorbed by the family. When a lease-purchase participant family is ready to exercise their option, they must notify MHA and apply for the home ownership option. If determined eligible for home ownership assistance, the family may be admitted to the home ownership program and must meet all the requirements of these policies.

Prior to execution of the offer to purchase or sales agreement, the family must provide the financing terms to MHA for approval. The sales agreement must provide for inspection by MHA of the independent inspection referred to in Section 3(E) and must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to MHA. The contract also must provide that the purchaser is not obligated to pay for any necessary repairs. The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by MHA. The sales agreement must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

(6) HQS Inspection by MHA

To assure the home complies with the housing quality standards of the Section 8 program, home ownership assistance payments may not commence until MHA first inspects the home.

HQS inspection will be conducted in compliance with HUD requirements.

(7) Independent Initial Inspection Conducted

An independent inspection of existing homes covering major building systems must also be completed by a professional that is selected by the family. MHA will not pay for the independent inspection. The independent inspection report must be provided to MHA, which may disapprove the unit due to information contained in the report or for failure to meet federal housing quality standards.

D. Financing Requirements

The proposed financing terms must be submitted to and approved by MHA 90 days prior to close of escrow.

In first instance, the lending institution should submit to MHA the Good Faith Estimate for the option to purchase contract, in order to determine the affordability of the family's proposed financing. In making such determination, MHA may take into account other family expenses, including but not limited to child care, unreimbursed medical expenses, education and training expenses and the like. Once completed the loan application and copy of the Settlement Statement must be presented to MHA for final approval.

Certain types of financing, including but not limited to, balloon payment mortgages, unless convertible to a variable rate mortgage, are prohibited and will not be approved by MHA.

MHA, on a case-by-case basis, shall consider seller-financing mortgages. If a mortgage is not FHA-insured, MHA will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FHA, Ginnie Mae, Fannie Mae, Freddie Mac, Detroit Housing Finance Agency, USDA Rural Housing Services, the Federal Home Loan Bank, or other private lending institution.

E. Assistance Limits

(1) Assistance Limits

Notwithstanding the provisions, except for disabled and elderly families, a family may receive Section 8 home ownership assistance for not longer than ten (10) years from the date of close of escrow unless the initial mortgage incurred to finance purchase of the home has a term that is 20 years or longer, in which case the maximum term is 15 years.

(2) Exceptions to Elderly and Handicapped Applicants

Families that qualify as elderly at the commencement of home ownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of home ownership assistance or at any time during the provision of home ownership assistance are not subject to a maximum term limitation. If a disabled family or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date home ownership assistance commenced; provided, however, that such family shall be eligible for at least six additional months of home ownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during any time that home ownership payments are made, or is a spouse of any member of the household who has an ownership interest.

(3) Reexaminations Requirements

A participant in the Section 8 Home Ownership program shall meet the reexaminations (Re-certifications) requirements.

(4) HAP Payments

The amount of the monthly assistance payment will be based on three factors: the voucher payment standard for which the family is eligible; the monthly home ownership expense; and the family’s household income. MHA will pay the lower of either the payment standard minus the total family contribution ("TFC") or the family’s monthly home ownership expenses minus the TFC. The Section 8 family will pay the difference.

(i). Determining the Payment Standard.

The voucher payment standard is the fixed amount that MHA annually establishes as the "fair market" rent for a unit of a particular size located within MHA’s jurisdiction. In the home ownership program, the initial payment standard will be the lower of either (1) the payment standard for which the family is eligible based on family size; or (2) the payment standard which is applicable to the size of the home the family decides to purchase. The payment standard for subsequent years will be based on the higher of: (1) the payment standard in effect at commencement of the home ownership assistance; or (2) the payment

standard in effect at the most recent regular reexamination of the family's income and size. The initial payment standard, for purposes of this comparison, shall not be adjusted even if there is a subsequent decrease in family size. MHA will request HUD approval of a higher payment standard, up to 120% of the published Fair Market Rent limit, where warranted as a reasonable accommodation for a family that includes a person with disabilities.

(ii) Determining the Monthly Home Ownership Expense.

Monthly home ownership expense includes all of the following: principal and interest on the initial mortgage and any mortgage insurance premium (MIP) incurred to finance the purchase and any refinancing of such debt; real estate taxes and public assessments; homeowner's insurance; maintenance expenses per MHA's allowance; costs of major repairs and replacements per MHA's allowance (replacement reserves); utility allowance per MHA's schedule of utility allowances; principal and interest on mortgage debt incurred to finance major repairs, replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any.

(iii) Determining the Total Family Contribution.

The TFC is that portion of the home ownership expense that the family must pay. It is generally 30% percent of the family's adjusted income, plus any gap between the payment standard and the actual housing cost. All family income (including public assistance,) will be counted to determine the family's adjusted monthly income for purposes of determining the amount of assistance.

(iv) Payment to Family or Lender.

MHA will provide the lender with notice of the amount of the housing assistance payment prior to close of escrow and MHA will pay its contribution towards the family's homeowner expense directly to the family, unless otherwise required by the lender. The family will be responsible to submit the entire mortgage payment to the lender unless the lender requires direct payment of MHA's contribution.

F. Termination of Section 8 Homeownership Assistance

(1) Grounds for Termination of Home Ownership Assistance

Failure to Comply with Family Obligations Under the Section 8 Program or MHA Home Ownership Policies.

A family's home ownership assistance may be terminated if the family fails to comply with its obligations under the Section 8 program, MHA's home ownership

policies, or if the family defaults on the mortgage. If required, the family must attend and complete ongoing home ownership and housing counseling course. The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home. The family must provide MHA with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; the family's household income and home ownership expenses on an annual basis; any notice of mortgage default received by the family; and any other notices which may be required pursuant to MHA home ownership policies. Except as otherwise provided in this Section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving home ownership assistance.

(2) Occupancy of Home

Home ownership assistance will only be provided while the family resides in the home. If the family moves out of the home, MHA will not continue home ownership assistance commencing with the month after the family moves out.

(3) Changes in Income Eligibility

A family's home ownership assistance may be changed in the month following annual recertification of the household income, but participation in the Section 8 Home Ownership program shall continue until such time as the assistance payment amounts to $0 for a period of six (6) consecutive months.

(4) Reaching Maximum Term of Home Ownership Assistance

Once the family is reaching the maximum term of home ownership assistance, MHA will notify 90 days before the date of such occurrence, that no further assistance will be disbursed to the family once the date of termination arrives.

(5) Procedure for Termination of Home Ownership Assistance

MHA shall terminate homeownership assistance for the family, and shall deny voucher rental assistance for the family, in accordance with this section.

Denial or termination of assistance under basic voucher program. MHA may deny or terminate homeownership assistance in accordance with § 982.552(grounds for denial or termination of assistance§ 982.553 (Crime by family members)

MHA may deny or terminate assistance for violation of participant obligations described in §982.551 or§982.633.

(6) Right to Informal Hearing Procedures

A participant in the Section 8 Home Ownership program shall be entitled to the same informal hearing procedures as set forth in Informal Hearing Procedures for Participants of MHA's Administrative Plan.

(7) Continued Participation in Section 8 Housing Choice Voucher Program

(i) Default on FHA-Insured Mortgage.

If the family defaults on an FHA-insured mortgage, the MHA may permit the family to move with continued Section 8 housing choice rental assistance if the family demonstrates that it has (a) conveyed title to the home as put forth in the FHA documents.

(ii) Default on non-FHA-Insured Mortgage.

If the family defaults on a mortgage that is not FHA-insured, MHA may permit the family to move with continued Section 8 housing choice voucher rental assistance if the family demonstrates that it has (a) conveyed title to the home to the lender, to MHA, or to its designee, as may be permitted or required by the lender; and (b) moved from the home within the period established or approved by the lender and/or MHA.

(iii) Return to tenant-based assistance on the Down payment Grant.

MHA may not commence tenant-based rental assistance for occupancy of the new rental assisted unit so long as any family member owns any title or other interest in the home purchased with homeownership assistance. Further, 18 months must have passed since the family's receipt of the down payment assistance grant.

(8) Administrative Fee

For each month that home ownership assistance is paid by MHA on behalf of the family, MHA shall be paid the ongoing administrative fee described in 24 CFR §982.152(b).

(9) Waiver or Modification of Home Ownership Policies

The Executive Director of MHA shall have the discretion to waive or modify any provision of the Section 8 home ownership program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

Chapter 20

Family Self Sufficiency Program

A. Overview and Program Objectives

The Family Self Sufficiency (FSS) program to assist Housing Choice Voucher holders who are working towards achieving self sufficiency The MHA intends for many HCV participants to ultimately “graduate” from the FSS program-with the support of program staff and citywide resources-into homeownership and/or better employment and educational opportunities

The FSS `program is administered by the MHA staff in Assisted Housing working in concert with a Program Coordinating Committee (PCC), which represents key community resources.

FSS is a program established by HUD-and administered by MHA-with the goal of promoting resident empowerment and economic independence. FSS is a voluntary program that encourages families to develop individual, multi-year Family Action Plans. Under FSS, the increased income from wages earned by the participating family-subject to certain regulatory restrictions-goes into an “escrow account” that can be drawn down by the family for eligible expenses such as homeownership or advanced education.

A cornerstone of the program is the multi-disciplinary review and coordination of family action plan strategies through the PCC and identifying community resources such as social service programs, human resources and financial resources from both the public and private sectors to support family goals.

Information on the FSS program will be publicized to all current and future HCV voucher participants. Every working age adult/participant will be encouraged to enroll. Section 8 FSS staff will assist families to design their own individual family action plan as the first step of the FSS process. The action plan will be developed and shared with Program Coordinating Committee to ensure that it is complete and realistic, and identify ways in which local agencies can assist each FSS participant in meeting their goals. The PCC will meet quarterly, or more frequently as needed, to review and assess FSS participant needs and to provide interagency coordination to ensure that services are being duplicated.

Following approval of the Individual Tenant Service Plan (ITSP), the FSS staff will work with each participating family by monitoring their progress, identify and resolve obstacles, and help identify resources to provide training, counseling to support job readiness, job placement, home ownership and other program services. Participant information related to their FSS progress will be updated periodically and at a minimum updated at their annual re-examination.

B. Program Dimensions

Based on discussions with Section 8 staff and local service providers (including the Family Independence Agency), the following listing of supportive service was identified for FSS participants. The specific services required by each individual family will differ based on needs.

These differences will be determined during the initial FSS application process when the participants meet with the FSS staff person to discuss their family circumstances:

Supportive Service Need	Examples
Education	Basic Literacy Skills GED Preparation Community College or University Courses English as Second Language
Job Readiness	Self Esteem and Motivation Building Job Seeking Skills Good Work Habits
Job Training	Structured Training Programs leading to entry-level jobs Combined work/ study courses
Child Care	Infant and toddler care “Latch Key” after school care Expanded hour care
Transposition	Transposition to training and education Transposition to child care Transposition interviews Transposition to job sites
Counseling	Parenting Skills Substances Abuse Prevention, Intervention and treatment Domestic Violence Prevention and Intervention
Homeownership	Credit Counseling Home buying Process

	Down payment Assistance

C. FSS Family Selection Process

The FSS program is a voluntary program and is open to all current and future Section 8 participants that are in good standing with MHA.HCV program, at each annual re-examination, all HCV participants will be notified of the availability of program participation, and literature of the program will be included in re-examination packages. In addition, participants will be advised of the opportunity to sign up to participant in the FSS program at any time by notifying their assigned Housing Specialist and completing the FSS application. MHA will conduct group meetings to inform interested families about the program.

Following an initial information session, families who want to participate in the FSS program will meet a FSS staff person to schedule an appointment to develop a family needs assessment and action plan.

At this point, MHA does not anticipate that the demand for the program will exceed the number of available FSS slots. However, should demand exceed supply, MHA will establish a waiting list using the following preferences:

1. Persons currently participating in a documented self sufficiency activity will be given first preference for up to 50% of program slots. Such activity includes, but is not limited to, job training, educational programs, employment programs DHS-sponsored training actives.
2. After applying the above preference, a preference will be given based on length of time in Section 8 program, i.e., families with longer program tenure will be served first.

MHA will not discriminate based on race, religion, sex disability status, family status or national origin. Assistance will be given to all participants that require assistance completing the FSS materials during informational sessions and interpreters may be provided if requested. Information to be obtained in the one-on-one sessions between the FSS staff person and the participating families will be used to determine the need for services and the sessions will aide in the development of a realistic action plan. This information will not be used to discriminate in any fashion.

D. Outreach Efforts

MHA will include FSS information as part of the Annual Re-examination packet that is annually mailed to each HVC participant. In addition, FSS information will be distributed to each HCV applicant at the HCV program briefing.

E. Incentives

The incentives offered by MHA to encourage families to participate in FSS include:

- Eligibility for escrow account savings
- Annual escrow account statement
- Refund of escrow account with investments income upon successful program completion
- Customized needs and skills assessments to those residents can develop realistic, attainable employment goals
- Direct relationship with trained FSS staff person
- Access to supportive service referrals
- Priority consideration for MHA future service and home ownership programs

F. FSS Program Supportive Services

Participating FSS Families will work directly with qualified FSS staff in Assisted Housing who will serve as their assigned FSS case manager for the FSS program. FSS staff will:

- Evaluate the needs of participating families related to job training, employment, supportive services and other areas impacting family self sufficiency
- Work with the family to develop an Individual Training and Service plan, which includes measurable goals and objectives
- Provide referrals to appropriate training, education and support services
- Periodically monitors family progress through telephone call, meetings, letters, etc.
- As requested, works to resolve obstacles impacting the family's ability to fulfill their plan

Periodically, MHA may conduct group meetings and seminars for FSS participants in partnership with local service providers. These meetings and seminars will provide an opportunity to share information related to common participant needs and problems.

G. Method for Identifying Support Services Needs

The first step of the process of identifying supportive service needs will involve the development of a comprehensive Family Needs Assessment (FNA). The assessment may require more than one appointment, depending on family circumstances. The FNA will help participating families develop and articulate

clear goals in each key area including; education, job readiness, job training, job placement, support services, child care, transportation, etc.

The FNA form contains a “release of information” statement that will permit FSS staff to discuss with other service programs the benefits a participant family may be receiving or for which it may be eligible to receive services under the FSS program. The statement also permits MHA to share the participant’s information with the Program Coordinating Committee so that all entities involved in developing the family’ action plan’ can determine how to best meet the family’s needs. (The PCC member will be required to sign a document ensuring that they will maintain the confidentiality of all such information) Finally, the statement permits MHA to include in a participant’s file the most recent 50058 from the family’s resident file.

Following completion of the FNA, FSS staff and participant will jointly develop an Individual Training and Services Plan (ITSP) that will include measurable goals, objectives, and a timeline. Once the ITSP is agreed upon, the family will sign it and the FSS Contract of Participation. The plan and contract become effective immediately upon signature. At that time, FSS staff will ensure that appropriate steps are taken to establish an escrow account and register the family as an active FSS participant. The ITSP may run for up to a five-year period. During this period, the plan may need to be modified to meet changing circumstances. Modifications will be jointly agreed to in writing by FSS staff and the participant.

The contract of Participants specifies important program terms and conditions including:

1. The five year limitation on participation in the program, unless an extension has be granted
2. A description of the manner in which rental payments will be calculated
3. A description of the escrow savings account and the participant’s access to such accounts at the end of the program
4. The participant’s and the FSS program’s obligations over the course of the program
5. The conditions under which a person may terminate of be terminated from the FSS program.

The Contract is employed to emphasize the significance of this effort and the limited time of participation in the FSS program. Under the terms of the Contract, FSS staff will, at least annually, conduct a formal review of each participant’s status to certify compliance with the FSS program terms and eligibility for continued participation.

H. Program Coordinating Committee

MHA will establish a multi-disciplinary Program Coordinating Committee to provide advice and input on supportive services to the FSS program. The PCC will be coordinated by the Assisted Housing Deputy Director or assigned staff who will schedule quarterly meetings (or more frequent meetings), prepare agendas, and maintain meeting notes.

A primary activity of the PCC is to assist in securing commitments from public and private resource providers to help operate the FSS program. The PCC may also assist MHA in the development of the FSS action plan and in the program implementation. MHA will work to recruit and encourage the active participants of PCC members who represent the following organizations and service providers:

- Mayaguez Public School System
- Family Independence Agency
- Mayaguez Works Partnership
- Head Start and other child care provider
- Mayaguez Departments of Social services
- Private business persons including bankers who can assist in home ownership counseling efforts
- Other to be determined

Each member of the PCC will be encouraged to provide resources wherever possible and to keep the group posted on grants and other sources of funding that will enable the FSS program to acquire the services needed by its participants.

The PCC will serve as an advisory group to MHA concerning Family Self-Sufficiency program policies and procedures. Its ultimate goal is to create an effective multi-disciplinary support system to assist participating families in reaching economic self-sufficiency. Specific tasks of the PCC include:

- Review, modify, and approve the FSS action plan to ensure that it is appropriate, realistic and performance-oriented.
- Provide ongoing review and support of individual family plans during the implementation stages
- Identify effective skills assessment tools, job readiness, and job placement strategies, that address community and FSS program needs
- Assist in identifying job training opportunities and other services, in the public and private sectors
- Assist in securing supportive services in the public and private sectors through joint planning and/ or fundraising efforts
- Assist in developing home ownership opportunities

I. FSS Contract Compliance

MHA will not terminate HCV assistance because of the family's failure to meet FSS contract responsibilities. FSS participants must, however, follow all HUD established rules and regulations for the HCV program.

J. Corrective Action: Termination of FSS Participation

Participants may be terminated from the FSS program (but not from Section 8 assistance) for failure to comply with their obligations under the FSS Contract of Family Participation.

If the staff determines –based on a review of participants progress –that a resident is not in compliance with the FSS Contract, the FSS participant shall be notified in writing of the nature of the noncompliance. This letter shall request the FSS participant to attend a meeting with the assigned FSS staff person at MHA to review their progress and to determine if there are any compelling reasons not to terminate their FSS program participation.

If the resident does not attend the scheduled meeting, then their participant is FSS shall be terminated through a letter sent by MHA. If the participant does not attend the scheduled meeting, and FSS staff determines that the resident should be terminated from the FSS program, then a letter of termination shall be mailed to the Participant.

The letter notifying the FSS participant shall inform them of their right to an informal review hearing before the Deputy Director of Assisted Housing programs. The Deputy Director shall conduct the informal review hearing within (30) thirty days of the participant's request. During the informal; hearing, participants shall be allowed to present verbal and written information as to why they should not be terminated from the program. The decision of the FSS hearing shall be mailed to the participant within (10) ten days of the FSS informal hearing. Termination from the program will result in the participant's forfeiture of escrow funds, if applicable.

To receive a hearing, the FSS participant must submit their request for a hearing within 10 calendar days from the receipt of their FSS termination notice. The written notice can be provided via mail, or hand-delivered to MHA.

K. Assurances of Non-Interference and Coordination of Efforts

MHA certifies that a family's election not to participate in the FSS program will not affect the family's participation or continued participation in the HCV program. Participation in FSS program is strictly voluntary. A family's decision not to participate will not affect their housing benefits.

MHA certifies that all FSS program planning and implementation efforts will be coordinated to the greatest extent possible with local service providers, including: training and supportive service entities, the Job Opportunities and Basic Skills Training Program under Part F of Title IV of the Social Security Act; the Job Training Partnership Act funded programs; and, other applicable employment, child care, transportation, training and education programs available in the area.

Additionally the FSS staff person will work other divisions within MHA that have similar self-sufficiency mandates to share resources and to help identify available resources for all programs with a similar mandate.

CHAPTER 21- HOPWA

Each new participant to the "Tenant Based Rental Assistance of the HOPWA State Program must meet the minimum requirements of eligibility to participate in said program. These requirements are the following.

- Certification as a patient of HIV/AIDS
- Family income is within the 80% the median in effect in the municipality where he/she resides.

Participants of the HOPWA-TBRA Program must be receiving; support services to assist him/her manage the illness. They must submit evidence of receiving such service at the time of the initial application an in each successive yearly housing recertification.

I. Service area of the Municipality of Mayaguez

In addition to the Municipality of Mayaguez, and because of the back of available housing in its jurisdiction, the Municipality services its housing contracts in the following adjoining towns/cities: Añasco, Hormigueros, Cabo Rojo and San German.

II. Special Admissions

A. Order of Admissions and waiting List

Applicants to the HOPWA-TBRA Program will be selected from a special list created by the Municipality. Applicants will be chosen from that special list and in the order application was received and recorded in said waiting list. This list will contain the full name of the applicant, present address, date and hour that the application was received. The HOPWA-TBRA voucher will be issued immediately upon receipt of the documentation wich establishes their eligibility to participate in the program.

In order to qualify, for the waiting list, either the head of the household, spouse or a minor child must be a certified HIV/AIDS patient. In addition, the level of income of that family must be within the 80% of earning in effect for the Fair Market Rent Applicable for the Municipality of Mayaguez.

III. Housing Quality Standards (HQS)

The HQS of the HOPWA-TBRA Program will be identical to the HQS used for the Section 8 "Vouchers" Program. Inspections resolutions of complaints, contract cancellations, re inspections, and new contracts will be completed applying the same criteria as the Section 8 "Voucher" Program.

IV. Housing Occupancy

One independent bedroom will be provided for the HIV/AIDS patient. The head of the household or his/her spouse will decide if they wish separate bedrooms in the event that one of them is an advance stage of the illness.

V. "Fair Market Rent (FMR)"

The FMR used for the HOPWA-TBRA Program will be 110% of the FMR in effect at the time of application for the Section 8 "Voucher" Program.

VI. "Payment Standard"

The "Payment Standard" for participants of the HOPWA-TBRA Program will be 110 % of the Payment Standard" as set forth for the Section 8 Administrative Plan of the Municipality.

VII. "Subsidy Standard"

The total tenant payment will be ten percent (10%) of the family's monthly income.

VIII. "Housing Assistance Payment (HAP)"

Housing Assistance Payments will be made to the owner in accordance with the terms of the HAP contract, and the owner must comply with the previsions of it in order to receive such payments. The minimum rent established will be $10.00.

Glossary

A. Acronyms Used in Subsidized Housing

AAF Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustments.

ACC Annual Contributions Contract

BR Bedroom

CDBG Community Development Block Grant

CFP Certificate of Family Participation

CFR Code of Federal Regulation. Commonly referred to as “the regulation”. The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statue.

CPI Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.

CR Contract Rent

FDIC Federal Deposit Insurance Corporation

FHA Federal Housing Administration

FICA Federal Insurance Contribution Act – Social Security taxes

FHA Farmers Home Administration

FY Fiscal Year

FYE Fiscal Year End

GAO Government Accounting Office

GFC Gross Family Contribution. Note: Has been replaced by the term Total Tenant payment (TTP).

GR Gross Rent

HA Housing Agency

Glossary

HAP Housing Assistance Payment

HAP Plan Housing Assistance Plan

HCDA Housing and Community Development Act

HQS Housing Quality Standards

HUD The Department of Housing and Urban Development or its designee.

HURRA Housing and Urban/Rural Recovery Act of 1983

HV Housing Voucher

IG Inspector General

IGR Independent Group Residence

IPA Independence Public Account

IRA Individual Retirement Account

MSA Metropolitan Statistical Area established by the U.S. Census Bureau

PHA Public Housing Agency

PMSA A Primary Metropolitan Statistical Area established by the U.S. Census Bureau

PS Payment Standard

QC Quality Control

RLA Request for Lease Approval (see also RFLA)

RFLA Request for Lease Approval

RFP Request for Proposals

RRP Rental Rehabilitation Program

Glossary

SRO Single Room Occupancy

SSMA Standard Statistical Metropolitan Area, has been replaced by MSA, Metropolitan Statistical Area.

TR Tenant Rent

TTP Total Tenant Payment

UA Utility Allowance

URP Utility Reimbursement Payment

B. Glossary of Terms Used in Subsidized Housing

ABSORPTION. In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated.

ACC RESERVE ACCOUNT (FORMERLY “PROJECT RESERVE”). Account established by HUD from amounts by which the maximum payments to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amounts actually approved and paid. This account is used as the source of additional payment for the program.

ADJUSTED INCOME. Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE. Fee paid by HUD to the HA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly “operation reserve”). Account established by HS from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION. The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

Glossary

ANNUAL CONTRIBUTION CONTRACT (ACC). A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources from the 12-month period following the date of determination of income, computed in accordance with the regulation.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

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

“AS-PAID” STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CERTIFICATE OF FAMILY PARTICIPATION. A Certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

CERTIFICATE OR VOUCHER HOLDER. A family holding a voucher or certificate with unexpired search time.

CERTIFICATE PROGRAM. Rental certificate program.

Glossary

CHILD CARE EXPENSE. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151

CONTIGUOUS MSA. Importability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

CONTRACT AUTHORITY. The maximum annual payment by HUD to an HA for a funding increment.

CONTRACT RENT. In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student of age or over.

DISABLED PERSON. A person who is any of the following:

1. A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).

2. A person who has a physical, mental, or emotional impairment that:
    i. Is expected to be of long-continued and indefinite duration;
    ii. Substantially impedes his of her ability to live independently; and
    iii. Is of a nature that ability to live independently could be improved by more suitable housing conditions.

3. A person who has developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C 6001(7)).

DISPLACED PERSON. A person displaced by governmental action, or a person whose dwelling has extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

DOMICILE. The legal residence of the household head or spouse as determined in accordance with State and Local law.

DRUG-RELATED CRIMINAL ACTIVITY Term means:

1. Drug-trafficking; or
2. Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C 802)).

DRUG TRAFFICKING. The illegal manufacture, scale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY HOUSEHOLD. A family whose head or spouse sole member is at least 62 years of age or a Disabled Person as defined in this section or a Handicapped Person as defined in this section or may include two or more elderly, disabled or handicapped persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY. (Family). A family is defined by the HA in the administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and /or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

Glossary

EXCEPTION RENT. In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determined the initial contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the Federal Register in accordance with 24 CFR part 882.

FAMILY. The applicant must qualify as a family as defined by the HA

FAMILY OF VETERAN OR SERVICE PERSON A family is a “family of veteran or serviceperson” when:

1. The veteran or serviceperson (a) is either the head of household or related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or serviceperson, unless deceased, is living with the family or is only temporally absent unless s/he (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalized and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

Glossary

FEDERAL PREFERENCE. A preference under federal law admission of applicant families that are any of the following:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and

3) Is of such a nature such ability could be improved by more suitable housing conditions.

HAP CONTRACT. (See Housing Assistance Payment contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term “HA” includes an Indian housing authority (IHA). (“PHA” and “HA” mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by as HA. The total assistance payment consists of:

1. A payment to the owner for rent to owner under the family’s lease.
2. An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a “utility reimbursement” payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

Glossary

HOUSING ASSISTANCE PLAN. (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding programs directives.

HURRA. The housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulations. Federal Register notices or other binding programs directives.

IMPUTED ASSET. Asset disposed for less that Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed $5,000.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

1. By exercise of the power of seal-government of an Indian Tribe, independent of State law, or
2. By operation of State law providing specifically for housing authorities for Indians.

Glossary

INTEREST REDUCTION SUBSIDES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LARGE VERY LOW INCOME FAMILY. Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

LEASE. A written agreement between an owner and an eligible family for the leasing of a housing unit.

The Section 8 Certificate and Voucher program have an Addendum to Lease that has mandatory language which must be incorporated into any lease the HA uses. The Addenda are different for the Certificate and Voucher Programs.

LIVE-IN AIDE. A person who reside with an elderly person or person with disabilities and 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.

LOCAL PREFERNCE. A preference used by the HA to select among applicant families without regard to their federal preference status.

Glossary

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. For admission to the Housing Choice Voucher program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing leveling of construction cost or unusually high or low family incomes.

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 programs, the Market Rate Rent is that approved by HUD and is the Contract Rent for a Section 8 Housing Choice Voucher holder. For BMIR units, Markets Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expense, including insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for the Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in the expenses in excess of 3% of Annual Income.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MONTHY AJUSTED INCOME. Annual Income after allowances divided by twelve months.

MONTHLY INCOME. Gross Annual Income divided by 12 months.

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent result in a Utility Reimbursement Payment (URP).

NET FAMILY ASSETS. Value of equity savings, checking, IRA and Keogh account, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is exclude from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

Glossary

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards estimated by an HA to determine the appropriate number of bedroom for families of different sizes and compositions.

OWNER. Any persons or entity having the legal right to lease sublease housing.

PARTICIPANT. A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

PAYMENT STANDARD. The amount used to calculate the housing assistance a family will receive in the HA's Housing Voucher Program.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "housing agency" (HA).

RANKING PREFERENCE. A preference used by the HA to select among applicants families that qualify for federal preference.

REEXAMINATION. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional charges to be reported. These are annual and interim re-certifications.

REMAINING MEMBER OF TENTANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. This is called Contract Rent in the Certificate Program and Rent to Owner in the Voucher Program. It is the total amount of rent payable to the owner by the family and the HA per month for an assisted unit.

Glossary

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or recourses towards the expenses of these individuals. (see Sections 882.109(n), 882.106(c) and 882.102 definitions in Appendix 1 of 7420.7.)

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone.

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or

2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or

3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or

4. Payments under the Section 23 Housing Assistance Payments pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;

5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United State Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;

6. A Public Housing Project.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

TENANT RENT. (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Where some of all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, Tenant Rent equals Total Tenant Payment less the Utility Allowance in the Certificate Program. In the Voucher Program, Tenant Rent is Rent to owner less HAP.

TOTAL TENANT PAYMENT (TTP). Total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such was necessary to enable a family member to be gainfully employed.

UTILITIES. Utilities mean water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigeration, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate meteor approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit be an energy conservative household of modest circumstances consistent with the requirements of r safe, sanitary, and healthy living environment.

Glossary

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the Utility Allowance fro the unit, if applicable exceeds the Total Tenant Payment for the family occupying the unit.

VACANCY LOSS PAYMENT. (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher Programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefore under conditions other than dishonorable.

WAITING LIST. A list of families organized according to HUD regulations and HA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State, or local governments.

ATTACHMENT 9 PUBLIC NOTICE

SEE THE HARD COPY OF 5 YEAR PLAN / ANNUAL PLAN

ATTACHMENT 10 PUBLIC HEARING ASSISTANCE SHEETS

SEE THE HARD COPY OF 5 YEAR PLAN / ANNUAL PLAN

DATE :	**MARCH 25, 2010**
TIME :	**6:00 pm**
LOCATION :	**MAYAGUEZ MUNICIPAL POLICE DEPARTMENT**
	190 ENRIQUE VAZQUEZ BAEZ STREET
	MAYAGUEZ, PUERTO RICO

ATTACHMENT 11

RESIDENT ADVISORY BOARD RECOMMENDATIONS AND PHA RESPONSES

The members of the RAB submitted the following comments and / or recommendations about the 5 Year Plan/ Annual Plan:

1. Recommendation / Need - Provision of more information regarding the PHA available resources for the acquisition of housing units (homeownership).

   Response: We informed them about the different alternatives: FSS and Homeownership Programs; HOME Program Assistance; and other resources from the Department of Housing of Puerto Rico; among others.

   Also we informed them that during fiscal year 2010 -2011 the PHA will coordinate formal orientations for the Section 8 Participants to provide adequate information about this matter.

2. Recommendation / Need - Provision of more information regarding the Section 8 owners responsibilities.

   Response: We informed them that during fiscal year 2010 -2011 the PHA will coordinate formal orientations for the Section 8 Participants to provide adequate information about this matter (tenants, owners and PHA responsibilities).

3. Recommendation / Need – Access to better quality housing units for Section 8 participants.

   Response: In the Annual Plan for fiscal year 2010 – 2011 the PHA already established that will counsel Section 8 Participants about the location of housing units outside of the areas of higher poverty concentration and assist them to locate those units. Also the PHA will market the Section 8 Program to owners outside of the areas of higher poverty concentrations.

4. Recommendation / Need – Improvement of the housing inspections and more attention to the tenants when occurred problems with the housing units. Better communication between tenants and Section 8 Inspectors.

   Response: We informed them that during fiscal year 2010 - 2011 the PHA Section 8 Technical Area Supervisor will conduct several meetings with the Inspectors to work with this request. The goal is to improve the communication between tenants and Inspectors.

Most of the members of the RAB express their satisfaction with the Plan contents and with the program performance.

ATTACHMENT 12 CITIZEN'S COMMENTS

The Municipal Government posted a Notice on February 2, 2010 edition of the "Primera Hora" (a newspaper of Island-wide circulation) inviting the public to attend the **public hearing** and to discuss the Section 8 Program **5 Year Plan and Annual Plan Draft available for review and comments** for at least 45 days period before the public hearing.

Comments Received and PHA Responses:

The following comments were presented by Members of the "Alianza de Arrendadores" that assisted to the Public Hearing:

1- Comment: In the Draft - Attachment No. 1: Objective and Goals; the PHA did not included the progress obtained by the PHA in the pass five years.

Response: We indicated that the Attachments No. 1 and 5 specified the progress in mission and goals for the fiscal year 2009-2010; that some of the achievements in this fiscal year have been achieved by the past five years.

Also at the Public Hearing we informed them about the progress the PHA has made in meeting the goals and objectives described in the previous 5 Year Plan. We will add those at the Final Plans.

2- Comment: In the Draft - Attachment No. 1 Goal No. 3
One of the goals of the PHA was increase assisted housing choices.

They indicated that there exist hundreds of unoccupied and available housings to be rented by the program; that our PHA has 842 vouchers that had been occupied; that the Section 8 Program don't have money to create vouchers and to comply with the supply of unoccupied existing housings on the market.

Response: We indicated that even though the PHA has only 842

vouchers assigned many participants annually were moved to other housing units and many of them confront problems for the identification of housing.

It could be the case that exist unoccupied housings available for rent, but not necessarily all comply with the HQS standards. We invited them to put the housing units available to the Section 8 Program participants, filling the forms that we have in our Department of Housing.

3- Comment: In the Draft - Attachment No. 1 Goal No. 4 Provide an improved living environment. They indicated that to achieve this goal we have to increase the payment standard .

Response: We indicated that to move our participants in areas of minor poverty level percentage we are paying up to one hundred ten percent (110%) of the FMR; this increase the possibility of identify housings in better areas.

4- Comment: In the Draft - Attachment No. 1 Goal No. 5
Promote self sufficiency and asset development of assisted households.

About this goal they indicated that it had been presented by the last ten years; the goal was not achieved. Twenty five families have not been in place at the FSS Program.

Response: For the next fiscal year and subsequent years the efforts will increase to achieve this established goal.

5- Comment: In the Draft - Attachment No. 1 - SEMAP
They asked for the evaluation of the SEMAP since it was not available in the Plan Draft. They asked for the standard payment reviewed and the previous one.

Response: We informed them that we have copy of the HUD SEMAP evaluation in our Section 8 Offices and that this documentation would be facilitated to them. Also we clarified them that the payment standard has been taken until a maximum of 110% of the FMR as the cases are annually re-certified.

6- Comment: In the Draft - Attachment No. 2 Letter A
The payment standard is set by the PHA between 90% and 110% of the FMR.

They indicated that don't exist any reason for a payment standard below the FMR.

Response: We clarified them that the payment standard has been taken until a maximum of 110% of the FMR as the cases are annually re-certified.

7- Comment: In the Draft - Attachment No. 2 Eligibility
They indicated that a contradiction existed on the requirements of the criminal record.

Response: We explained that the Section 8 Program requested the Certificate of Conduct to 18 years old participants.

8- They requested to the Section 8 Program Staff the availability for all our participants of an Owner 's or Landlords List.

Response: We informed them that we will have available an Owner 's or Landlords List for our participants in addition to the forms/books that we have at the Department of Housing and Federal Programs Reception Area; that includes the available housing units for rent by number of BR's; with Owner 's or Landlords information; among other information.

ATTACHMENT 13 SINGLE AUDIT F.Y. 2008 - 2009

SEE THE HARD COPY OF 5 YEAR PLAN / ANNUAL PLAN

ATTACHMENT 14 MUNICIPALITY'S STATEMENT OF CONSISTENCY WITH THE CONSOLIDATED PLAN

The Municipality of Mayaguez has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan; has participated in the consultation process organized and offered by the Consolidated Plan Agency in the development of the Consolidated Plan and has consulted with the Consolidated Plan Agency during the development of the PHA Plans.

Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan; provide housing assistance to very low and low income families in Mayaguez with supportive services.

The Consolidated Plan of the Municipality of Mayaguez supports the PHA 5 Year Plan and Annual Plan

The coordinated strategy described in the Consolidated Plan was developed to achieve the following goals principally for very low, low and moderate income families:

- Provide decent housing
- Create appropriate environments
- Expand economic opportunities

The goals established in the Consolidated Plan are practically the same as the goals established in the Section 8 5 Year Plan / Annual Plan. We; the PHA; will combine the available resources of the different local, state and federal programs to achieve the goal of the Municipality of Mayaguez and serve the families within the jurisdiction.