

<b>1.0</b>	<b>PHA Information</b> PHA Name: <u>MUNICIPALITY OF MOCA</u> PHA Code: <u>RQ 010</u> PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input checked="" type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2010</u>																										
<b>2.0</b>	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: <u>067</u>																										
<b>3.0</b>	<b>Submission Type</b> <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only																										
<b>4.0</b>	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)																										
	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="width:35%;">Participating PHAs</th> <th rowspan="2" style="width:5%;">PHA Code</th> <th rowspan="2" style="width:20%;">Program(s) Included in the Consortia</th> <th rowspan="2" style="width:20%;">Programs Not in the Consortia</th> <th colspan="2" style="width:20%;">No. of Units in Each Program</th> </tr> <tr> <th style="width:10%;">PH</th> <th style="width:10%;">HCV</th> </tr> </thead> <tbody> <tr> <td>PHA 1:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PHA 2:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PHA 3:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	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:					
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<b>5.0</b>	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.																										
<b>5.1</b>	<b>Mission.</b> 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:  <p style="text-align: center;"><b>THE MISSION OF THE PHA IS THE SAME AS THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: TO PROMOTE ADEQUATE AND AFFORDABLE HOUSING, ECONOMIC OPPOTUNITY AND SUITABLE LIVING ENVIROMENT FREE FROM DISCRIMINATION.</b></p>																										
<b>5.2</b>	<b>Goals and Objectives.</b> 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. MOCA's PHA's Goals: Increase the availability of decent, safe and affordable housing. Expand the supply of assisted housing Apply for additional rental voucher Improve the quality of assisted housing Improve voucher management Increase customer satisfaction Increase assisted housing choices Provide voucher mobility counseling Conduct outreach efforts to potential voucher landlords Provide an improved living environment Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments. Promote self-sufficiency and asset development of assisted households Increase the number and percentage of employed persons in assisted families. Provide or attract supportive services to improve assistance recipient's employability Ensure equal opportunity and affirmatively further fair housing Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability. Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status and disability. Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit.																										

6.0	<p><b>PHA Plan Update</b></p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p>We implement the Violence against Women Act (VAWA) and prohibit the admission in the Program if any member of the household is subject to a lifetime registration under a State sex offender registration program. Beside this we haven't done any other change.</p> <p>(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.</p> <ol style="list-style-type: none"> <li>1. Lobby of the City Hall -- José Calasán Lassalle Street, Downtown Moca, PR 00676</li> <li>2. Post Office -- 212 La Moca Avenue, Moca, PR 00676</li> <li>3. Our PHA Office -- 202-C Barbosa Street, Moca, PR 00676</li> </ol>
7.0	<p><b>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.</b> <i>Include statements related to these programs as applicable.</i></p> <p>Homeownership Programs</p> <p>The PHA made the decision not to develop Homeownership for the next five years.</p>
8.0	<p><b>Capital Improvements.</b> Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p><b>Capital Fund Program Annual Statement/Performance and Evaluation Report.</b> As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p>
8.2	<p><b>Capital Fund Program Five-Year Action Plan.</b> As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, 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.</p>
8.3	<p><b>Capital Fund Financing Program (CFFP).</b></p> <p><input type="checkbox"/> 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.</p>
9.0	<p><b>Housing Needs.</b> 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.</p> <p>The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: The PHA has based its statement of need on the families on it waiting list and on it population. Mainly on the needs expressed in the Consolidated Plans. The Consolidated Plan of the Jurisdiction supports the PHA Plan with the following actions and commitments: Assure decent safe, sanitary and affordable housing for our residents. Improve quality of life an economic independence. Ensure equal opportunities in housing for all our residents.</p> <p>Actually we have ten families in the waiting list. Nine of them are extremely low income and one very low income. The ten families have dependant children and none of them are with disability or elderly person. From these families, three need two bedroom house, six need three bedroom houses and one needs a four bedroom house.</p> <p>The rent of the houses has increase significantly; because of the entire tax landlord are paying and the cost of living. Also, it has being difficult for tenant that qualify for two bedroom house to find one. Therefore the PHA has being negotiating rents with the owners to place some of these families in a three bedroom house. The qualities of the houses in most of the cases are pretty good. The majority of the families live in town. Therefore they have the privilege to have everything accessible like hospital, school, government services, etc.</p>

9.1	<p><b>Strategy for Addressing Housing Needs.</b> 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. <b>Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</b></p> <p>Our HA will try to maintain or increase the lease-up rates by establishing payment standard that will enable families to rent throughout the jurisdiction. We will also undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required. In addition we will maintain or increase Section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. Maintain or increase the lease-up rates by effectively screening the program applicants to increase owner acceptance to the program. Participate in the Consolidated Plan development process to ensure coordination with broader community strategies.</p>
10.0	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <p>(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.</p> <p>We improve our SEMAP score. During this period of time we increased customer satisfaction moving families and promoting income mixing of lower income families to higher income communities. We provided voucher mobility counseling. Even though we applied for additional vouchers were not granted, reason why we could not increase the number of participating families. We undertook strict measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disabilities. Our voucher payment standard increased to meet the FMR.</p> <p>(b) Significant Amendment and Substantial Deviation / Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation / modification”</p> <p>The Municipality of Moca will consider the following to constitute a significant amendment or modification from its 5-year plan and/or amendment or modification to its Annual Plan :</p> <ul style="list-style-type: none"> <li>-Any modification to the PHA’s Mission Statement or any substantial modification to the Municipality’s goals and objectives.</li> <li>-An exception to these definitions will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements.</li> </ul> <p>Moreover, these same changes will not be considered substantial deviations or significant amendments by the Municipality.</p> <p>Substantial Modification</p> <ul style="list-style-type: none"> <li>-Same as above</li> </ul>
11.0	<p><b>Required Submission for HUD Field Office Review.</b> 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.</p> <ul style="list-style-type: none"> <li>(a) Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations (which includes all certifications relating to Civil Rights)</li> <li>(b) Form HUD-50070, Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)</li> <li>(c) Form HUD-50071, Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)</li> <li>(d) Form SF-LLL, Disclosure of Lobbying Activities (PHAs receiving CFP grants only)</li> <li>(e) Form SF-LLL-A, Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)</li> <li>(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.</li> <li>(g) Challenged Elements</li> <li>(h) Form HUD-50075.1, Capital Fund Program Annual Statement/Performance and Evaluation Report (PHAs receiving CFP grants only)</li> <li>(i) Form HUD-50075.2, Capital Fund Program Five-Year Action Plan (PHAs receiving CFP grants only)</li> </ul>

## **ATTACHMENT (1)**

### **1. DOMESTIC VIOLENCE STATEMENT – HOUSING CHOICE VOUCHER PROGRAM**

As part of the Public Policy of the Autonomous Municipality of Moca through the Housing Opportunities Program for Voucher (Section 8), disclosure is necessary to the general public on compliance with the Violence Against Women Act (VAWA) and the rights of the applicants concerned and their families.

The program does not discriminate based on sex of the victim of domestic violence.

The Violence against Women Act (VAWA), Public Law 109-162 was signed into law on January 5, 2006. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 U.S.C. 1437c-1) to require PHAs' five-year and annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Sections 606 and Section 607 amend the Section 8 and public housing sections of the U.S. Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims' immediate families – from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim. While awaiting new guidelines from the Department of Housing and Urban Development for implementing VAWA the Municipality of Moca (RQ010) has adopted the following goals and objectives, for Domestic Violence Policy:

- The VAWA applies to the Housing Choice Voucher Program.
- The applicant/tenant/victim will be treated with respect and dignity.
- The Municipality of Moca will notify Housing Choice Voucher owners and managers of VAWA.
- The Municipality of Moca will notify voucher holders of their rights under VAWA including the possible portability of vouchers between jurisdictions to escape an imminent threat of further domestic violence or stalking.
- VAWA will be incorporated into the landlord and tenant orientation process.
- Necessary conforming amendments to Housing Choice Voucher Program rules, regulations and paperwork will be further addressed after receipt of guidelines from the Department of Housing and Urban Development (HUD).

## ATTACHMENT (2)

### 2. PROHIBITION SEX OFFENDERS POLICY

The Municipality of Moca has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Moca (RQ010) will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the dwelling unit is located and in other States where the household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a *Certificate of Conduct*.

The Municipality of Moca will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. Sex offenders, not subject to lifetime registration, will be denied assistance **for the entire period they are subject to registration as sex offenders.**

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 office 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](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.



COMMONWEALTH OF PUERTO RICO  
**MUNICIPALITY OF MOCA**



**FEDERAL PROGRAMS DEPARTMENT**

## **Section 8**

**ADMINISTRATIVE PLAN**

**FOR THE**

**MOCA HOUSING AUTHORITY**

**HOUSING CHOICE VOUCHER PROGRAM**

**REVISION MAY 2004**

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## **CHAPTER 1: INTRODUCTION TO THE PHA PLAN**

The Housing Authority of Moca has revised this Administrative Plan in order to provide organization and operational guidance for administering and selecting families for participation in the Section 8 Housing Choice Voucher Program (HCV Program). This plan includes the policies concerning the functions for which it has the discretion to establish local policies and procedures concerning the treatment of applicants and participants.

### **1.1 GENERAL OBJECTIVES AND ORGANIZATION**

The Housing Choice Voucher Program is federally funded and administered for the city of Moca by the Housing Authority of the city of Moca (“Moca Housing Authority” or “MHA”) through its office at 202 Barbosa Street, Moca, PR 00676. The jurisdiction of MHA is the city of Moca.

Our mission is to enhance the Moca community by assisting financially distressed families in meeting their housing needs and sustaining decent, safe, sanitary, and affordable living environments that promote stability and increase self-sufficiency. There are two mayor philosophy components in the Section 8 Program: First, to provide families the opportunity of choice and mobility in selecting where they want to live, and second, to maintain the essential elements of a private relationship between the tenant and the landlord on matters other than rent. As a result of this philosophy the Section 8 Housing Choice Voucher Program are tenant based rather than based to a particular housing unit.

The MHA refers to the Housing Authority of the City of Moca, and specifically to the staff of the Section 8 Division responsible for administering the Section 8 program described within this Administrative Plan. The overall responsibilities of the Section 8 Office is to insure compliance with federal regulations, coordinating the implementation of Tenant Policy, Affirmative Marketing Plan and directing the day to day activities designed to meet program goals and objectives. Specific actions, powers or determinations which are reserved to the Housing Authority’s Executive Director or other specific staff members are so indicated in this Administrative Plan.

The Executive Director is the chief operating officer and is responsible for the MHA overall program and personnel administration.

The Federal Programs Director oversees and is responsible for all activities within the program and has direct supervision of the Housing Agency Officials. The Director is also responsible for the following program mandatory functions:

- A. Set program goals;
- B. Prepare staff work plans;
- C. Assure compliance with HUD regulations in program implementation;
- D. Direct technical and administrative work of the Section 8 HCV Program;
- E. Evaluate grievances presented by unit owners and tenants;
- F. Coordinate with the Accountant on Financial matters; and

- G. Coordinate with consultants on the required documentation in order to prepare additional funds proposals.

The Housing Agency Officials are responsible for providing a full range of services to participants and owners and perform mandated program operations which include:

- A. Interview owners, applicants;
- B. Conduct briefing sessions;
- C. Mail, receive and process applications;
- D. Manage the waiting list;
- E. Verify eligibility of families, ensuring compliance with program eligibility criteria;
- F. Issue vouchers;
- G. Prepare case reports and maintain an adequate file of all documents;
- H. Conduct annual family reexaminations;
- I. Verify family income;
- J. Negotiate contracts with unit owners and tenants;
- K. Analyze and report on current rent reasonableness;
- L. Conduct property inspections and abatements;
- M. Insure that housing units meet the Section 8 Housing Quality Standards
- N. Process requests to move and contract cancellations;
- O. Conduct informal hearings and claims;
- P. Visit participants and/or neighborhoods to perform any required special investigation or inspection;
- Q. Process terminations;
- R. Prepare monthly payrolls for housing owner participants of the Program;
- S. Complete HUD reporting requirements; and
- T. Maintain the integrity of the data base for all participants, owners in the Section 8 Program.

## **1.2 WHAT THE ADMINISTRATIVE PLAN COVERS**

The Section 8 Administrative Plan establishes local policies for administration of the Section 8 program with HUD requirements. The Administrative Plan states the MHA policy on 1) matters for which the MHA has discretion to establish local policies, and 2) matters specifically required by HUD to be treated in the Plan.

## **1.3 RELATION TO THE AGENCY PLAN**

The Section 8 Administrative Plan is a supporting document of the PHA (Public Housing Agency) Agency Plan and some sections of the Plan provide information required by the Agency Plan. The Section 8 Administrative Plan will be available for public review. The Section 8 Administrative Plan is developed in accordance with Section 8 and other Federal regulations.

## **1.4 GUIDING PRINCIPLES**

- A. Expand the availability of housing for low-income people;

- B. Maximize effectiveness in delivering maintenance and management services;
- C. Implement strategies that will reduce dependency on federal funding;
- D. Assist MHA families in achieving their personal goals, and
- E. Exercise fiscal dependability in the pursuit of MHA programs and activities.

### **1.5 DOMESTIC VIOLENCE STATEMENT – HOUSING CHOICE VOUCHER PROGRAM**

The Violence against Women Act (VAWA), Public Law 109-162 was signed into law on January 5, 2006. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 U.S.C. 1437c-1) to require PHAs' five-year and annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Sections 606 and Section 607 amend the Section 8 and public housing sections of the U.S. Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims' immediate families – from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim. While awaiting new guidelines from the Department of Housing and Urban Development for implementing VAWA the Municipality of Moca (RQ010) has adopted the following goals and objectives, for Domestic Violence Policy:

- The VAWA applies to the Housing Choice Voucher Program.
- The applicant/tenant/victim will be treated with respect and dignity.
- The Municipality of Moca will notify Housing Choice Voucher owners and managers of VAWA.
- The Municipality of Moca will notify voucher holders of their rights under VAWA including the possible portability of vouchers between jurisdictions to escape an imminent threat of further domestic violence or stalking.
- VAWA will be incorporated into the landlord and tenant orientation process.
- Necessary conforming amendments to Housing Choice Voucher Program rules, regulations and paperwork will be further addressed after receipt of guidelines from the Department of Housing and Urban Development (HUD).

### **1.6 RELATIONSHIP OF THE SECTION 8 ADMINISTRATIVE PLAN TO REGULATIONS**

The Section 8 Administrative Plan is superseded by any published Rule, Notice or Directive.

## CHAPTER 2: EQUAL OPPORTUNITY

### 2.1 FAIR HOUSING

It is the policy of the Municipality of Moca Housing Authority to fully comply with all Federal, State, and local non-discrimination laws; the Americans with Disabilities Act, and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. No person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination as defined by applicable law. Accordingly, the MHA will assist any family that believes they have suffered illegal discrimination by providing copies of the appropriate housing discrimination forms. If requested, the Authority will also assist families in completing the forms. The address of the nearest Department of Housing and Urban Development (HUD) office of Fair Housing and Equal Opportunity will also be provided.

Applicants for and participants in the MHA's assisted housing programs who encounter discrimination in the exercise of their rights under Federal, State or local laws are given assistance in addressing discrimination complaints. MHA staff will attempt to resolve the discrimination complaint by:

- A. Interviewing the person making the complaint;
- B. Determining whether the complaint is against the MHA or against another party;
- C. Explaining any MHA policy or procedure which may have been misunderstood by the complainant;
- D. Resolving the complaint in accordance with MHA policy and procedure and HUD regulations and taking steps to ensure that any violation of policy or procedure is not repeated;
- E. Facilitating the filing of the form HUD-903, *HUD Housing Discrimination Complaint*;
- F. Extending the term of a voucher if the MHA determines that discrimination prevented the family from locating a unit.

The MHA cooperates with HUD Fair Housing staff as requested to resolve any complaints.

### 2.2 REASONABLE ACCOMMODATION

It is the policy of the MHA to comply fully with the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Any applicant or participant household with one or more persons with disabilities may request a reasonable accommodation to any of the Housing Authority's rules, policies, practices or services in order to take full advantage of the programs and services offered by the Agency. A person with a disability is defined as an individual who:

- A. Has a disability as defined in Section 223 of the Social Security Act;
- B. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or
- C. Is determined to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; and:

- a. A physical or mental impairment that substantially limits one or more of the major life activities of an individual; and
- b. A record of such impairment; or
- c. Being regarded as having such impairment. Note: This is not the same as the HUD definition used for purposes of determining allowances.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

MHA's offices are accessible to persons with disabilities. 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.

### **2.3 OUTREACH TO FAMILY AND OWNERS**

The overall objective of this activity is to assure that program availability is adequately publicized in order to reach eligible families and owners of rental housing units. Affirmative marketing efforts are a key component, since certain groups are difficult to reach by conventional means, in order to ensure that all eligible candidates have an opportunity to participate in the program.

MHA is committed to providing safe and decent housing to all eligible individuals and families. Community outreach, during the open application period, is a means of ensuring unrestricted participation. In order for eligible families to be aware of the various public housing programs and availability, the Authority will publish advertisements in a newspaper of general circulation, and other appropriate resources. Notices and flyers will be placed in private and public service agencies, civic centers, and community based organizations, especially those that serve the economically disadvantaged and homeless. Public service announcements will also be utilized. In addition, the MHA will promote the "Word of Mouth" approach by currently assisted and/or applicant families, encouraging them to inform their friends, relatives and neighbors about the program. The status of housing availability may be shared with other community service providers to inform them of eligibility requirements and guidelines so that proper referrals to the authority will be made.

In order to encourage the participation of owners of units located outside high-poverty or minority areas, the MHA undertakes the following activities:

- A. Conduct regular owner orientation meetings;
- B. Accept public speaking engagements before owners' associations and community based organizations,
- C. Solicit and maintain listings of available rental units throughout the City, and
- D. Publish a notice inviting owners to make units available for leasing by participant families. This publication will be posted in the Municipal Government reception bulletin board and the Section 8 reception area.

## **2.4 INFORMATION AVAILABLE FOR REVIEW**

The MHA will make the following information available for review at its Section 8 office:

- A. The Section 8 Administrative Plan
- B. Moca Housing Authority's Family Self Sufficiency Action Plan
- C. The PHA Annual Plan
- D. Procedure for Requesting an Informal Review
- E. Sample Lease and Housing Assistance Payments (HAP) Contract

The MHA will post in its Section 8 office, in a noticeable place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Notice of the status of the waiting list (opened or closed)
- B. Address of Moca Housing Authority office, office hours, telephone numbers, and hours of operation
- C. Fair Housing Poster

## **2.5 BRIEFING OF FAMILIES WITH TENANT-BASED ASSISTANCE**

Information on Federal, State and local Fair Housing Laws is provided to families receiving tenant-based assistance in the information package. Families are briefed about their Fair Housing Rights during the tenant-based orientation sessions, and copies of Form HUD-903-A, *HUD Housing Discrimination Complaint* (in Spanish), are included in the orientation packets. The MHA maintains listings of rental units throughout the City which are included in the information packet and made available for its families receiving tenant-based assistance. The listings provide information on accessibility for the disabled, the location, size, and facilities of the units. In addition, the orientation package will contain a written description of how portability works, city maps showing jurisdiction of the PHA and neighboring PHA's indicating where families may lease a unit, informal hearing procedures, tenant and owner obligations, and information on the total tenant payment (TTP) determination. The family will be given ample opportunity to discuss and raise questions related to the above mentioned orientation. Personal assistance will be provided to families in an attempt to help them find adequate housing.

## **CHAPTER 3: ELIGIBILITY FOR ADMISSION**

### **3.1 APPLICATIONS**

Applications are taken to create a waiting list. The MHA will open its waiting list to new applicants when its existing list has decreased to twelve months worth of applicants based on current unit availability, program turnover and HUD funding. Applications will be accepted for a pre-determined period of time. Prior to the opening of the Section 8 Waiting List, the Housing Authority will publicize through a public notice advertised in a local newspaper of general circulation that serves its jurisdiction. The Housing Authority may also use various media groups. The notices will contain:

- A. The dates, times and locations where families may obtain applications.
- B. The method by which families may apply
- C. The method by which families may be chosen for the wait list
- D. Limitations (who may apply)
- E. The application deadline

To ensure maximum access for all, flyers and public notices will be made available at numerous locations throughout the town of Moca. Public notices may also be available outside of Moca as a reasonable accommodation for persons with disabilities. The notice will include:

- A. Limitations
- B. Selection Criteria
- C. The location to obtain and submit applications
- D. The deadline by which to apply
- E. Any special provisions

### **3.2 LIMITS ON WHO MAY APPLY**

When the list is open, applications will be accepted from any family who wishes to be placed on the list. However to ensure that each family has an equal chance, applications will be screened prior to entry to ensure there is no duplication of application. The original application will remain, while duplicate applications will be removed.

### **3.3 SELF-CERTIFICATION/VERIFICATION**

Information regarding an applicant's income-eligibility and qualification for any of the Housing Authority's preferences is self-certified on the application. Actual verification of an applicant family and screening will not be conducted until the family is at the top of the Housing Authority's list.

### **3.4 PREFERENCE PROCESS**

The Housing Authority's preference placement on the Section 8 waiting list will be conducted as follows:

- a. The category of preference they qualify for and by the number of preferences they qualify for.
- b. According to the date and time of the application.

Notices will be sent to all eligible and ineligible applicants.

### **3.5 NOTIFICATION OF APPLICATION STATUS**

The Housing Authority will provide applicants with the following written notices:

- A. Receipt of Application
- B. Ineligible and Eligible

### **3.6 RIGHT TO PRIVACY**

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. This notice states how family information will be released and includes the Federal Privacy Act Statement. Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

### **3.7 ELIGIBILITY REQUIREMENTS**

There are five eligibility requirements for admission to Section 8:

- A. Qualifies as a family
- B. Has an income within the income limits
- C. Meets citizenship/eligible immigrant criteria
- D. Provides documentation of Social Security Numbers
- E. Signs consent authorization documents

### **3.8 ELIGIBILITY CRITERIA**

A. Family status.

"Family" means:

- a. One or more adult persons with a child or children; or
- b. Two or more adult persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship; or
- c. An elderly family:
  - i. A family whose head, spouse, or sole member is a person who is at least 62 years of age; or
  - ii. Two or more persons who are at least 62 years of age living together; or
  - iii. One or more persons who are at least 62 years of age living with one or more live-in aides.
- d. A disabled family
  - Single person with disabilities; or
  - Two or more persons with disabilities; or
  - One or more persons with disabilities with one or more live-in aides.
- e. The remaining member of a tenant family due the death of the head of household; or
- f. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

There may also be considered as part of a family other persons who will live regularly as a part of the family group (including members of the family temporarily absent) and whose income and resources are available for use in meeting the living expenses of the group. Lodgers may not be included in the family. The definition of "Family" does not exclude a person living

alone during the temporary absence of a family member who will later live regularly as a part of the family. Children temporarily absent from the home due to placement in foster care are considered family members. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

A. A live-in aide means:

- a. A person who resides in a family's unit in order to provide care for a household member who is a person with disabilities or who is over 50, and who:
  - i. Is determined to be essential to the care and well-being of the person;
  - ii. Is not obligated for the support of the person; and
  - iii. Would not be living in the unit except to provide necessary supportive services

A qualified care-provider's certification is required as verification of the necessity for a live-in aide. The qualified care-provider's certification must demonstrate that a live-in aide is necessary and that the family would not be equally well served by a home health care service or a care provider who does not live in the unit. The necessity of a live-in aide shall be subject to verification as determined by the Housing Authority at any subsequent recertification of eligibility.

Relatives may be live-in aides if they meet the above standards. A relative who chooses to be a live-in aide will not be treated as a "regular" member of the household, but instead will be treated as a live-in aide. A live-in aide is treated differently than other household members:

- a. Income of the live-in aide is not be considered for purposes of determining eligibility or the level of assistance;
- b. Live-in aides are not subject to Non-Citizen Rule requirements.
- c. Live-in aides may not be considered as a remaining member of the tenant family.

The live-in aide's qualification for housing occupancy terminates when the individual needing the supportive services leaves the unit or fails to qualify for continued occupancy. The live-in aide does not qualify for continued occupancy as a remaining member of the tenant family, even if they are related by blood, marriage or operation of law.

B. Income eligibility

To be eligible to receive assistance a family, at the time the family initially receives assistance under the Section 8 program shall be a low-income family that is:

- a. A very low-income family;
- b. A low-income family continuously assisted under the 1937 Housing Act;
- c. A low-income family that meets additional eligibility criteria specified by the Housing Authority;
- d. A low-income family that is a non-purchasing tenant in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CFR 248.173;

- e. A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.

Very low-income limits apply only at admission, as low income limits are applicable for continued occupancy; however, as income rises the assistance will decrease. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at the time of admission to the program. Families who are moving into the MHA's jurisdiction under portability must meet Moca Housing Authority's income limits. Families who are moving into The MHA's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for admission to the MHA program.

#### C. Citizenship/Eligible Immigrant status

To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

#### Family eligibility for assistance

- A. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
- B. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 7.7(F) for calculating rents under the non-citizen rule).

#### D. Employee Applicants/Clients

An employee of the Authority or a relative of an MHA employee who is also a client is entitled to the same rights and shall be expected to satisfy the same requirements as any other client with similar status. Employee relative is defined as the employee's mother or father, stepmother or stepfather, sister or brother (including half-brother or half-sister or stepbrother or stepsister), spouse, child (including adopted and stepchild), grandparents (including step grandparents), mother-in-law and father-in-law. No employee shall handle matters related to his/her own case or to the case(s) of member(s) of his/her family.

In order to ensure that the Authority is made aware each time an employee or a relative of an employee applies for housing, each applicant shall be required to declare whether he/she is an MHA employee or is related to an MHA employee. Anytime action is taken or a decision is made which affects the client status of an MHA employee or a relative of an MHA employee in any way, all related paperwork must be received and signed by the Department Director or his/her assigned designee before the action or decision becomes effective. Each initial

determination of eligibility and each selection to a program of an MHA employee or a relative of an MHA employee shall be forwarded to the Director for review and final approval. The Department Director's certification shall accompany the file. The certification shall state that all determinations and actions taken have been reviewed by the Department Director and are in accordance with all applicable policies and procedures.

### **3.9 SUITABILITY/CRIMINAL BACKGROUND CHECK**

The MHA determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides. The MHA will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years.

The MHA will provide the following information about program participants to owners when a Request for Tenancy is submitted:

- A. A participant's current address as shown in Agency records;
- B. A participant's prior address as shown in Agency records; and
- C. The name and address, if known, of the landlord at the participant's current and prior addresses.
- D. Family composition and income.

Upon request, The MHA will provide only the following information about program participants to owners:

- A. Any damage claim amounts paid by the Authority on behalf of participants in the past five years;
- B. A listing of any evictions of the family in the past five years. These will be listed only if there is a copy of the judgment in the Authority's files; and

Every Section 8 applicant who attends a program briefing will be informed of this policy. The MHA will give the same types of information to all owners and for all families.

The MHA selection of a family to participate in the Voucher program is not to be considered an endorsement of tenancy or the screening of applicants for family behavior or suitability for tenancy. The participants screening is the responsibility of the owner. Furthermore, owners are encouraged to screen families on factors such as: payment of rent and utilities, caring for a unit and respecting the rights and safety of others.

### **3.10 GROUNDS FOR DENIAL**

The MHA must deny assistance for any of the following grounds:

- A. The family has been evicted from housing assisted under the program for a serious violation of the lease.
- B. If any member of the family fails to sign and submit consent forms allowing The MHA to obtain wage and income information in accordance with HUD regulations

- at 24 CFR 5, subparts B and F addressing housing authority's ability to gather family income, wage and expense information.
- C. If the family fails to submit required evidence of citizenship or eligible immigration status.
  - D. If a family member has been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing property. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds. Section 8 assistance will be immediately and permanently denied or terminated.
  - E. Any one convicted of any type of sexual offense whether subject to lifetime registration requirement under state law or not required to register shall not be admitted.

The MHA may deny assistance to applicants who do not meet any one or more of the eligibility criteria:

- A. Do not supply information or documentation required by the application process;
- B. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- C. Fail to complete any aspect of the application or lease-up process;
- D. Have a household member(s) who has committed drug-related or violent criminal activity. If The MHA seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred no more than one-year prior to the date Moca Housing Authority notifies the family of its decision to deny or terminate assistance. The Moca Housing Authority may not deny or terminate assistance for such use or possession by a family member if the family member can demonstrate that he or she:
  - a. Has an addiction to a controlled substance, has a record of such an impairment or is regarded as having such an impairment; and
  - b. Is recovering, or has recovered from, such an addiction and does not currently use or possess controlled substances. The Moca Housing Authority will require the family member to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit;
- E. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs.
- F. If the family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit or other amounts owed by the family under the lease;
- G. Any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- H. Have a family member who was evicted from federally assisted housing within the last five years;
- I. Have engaged in or threatened abusive or violent behavior towards any Moca Housing staff;

- J. Have a household member who has ever had their assistance terminated under the Section 8 Program, or
- K. A family member has violated program obligations in accordance with 24 CFR Sec.982.551: Obligations of participants.
- L. The Municipality of Moca has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Moca (RQ010) will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the dwelling unit is located and in other States where the household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a *Certificate of Conduct*.  
The Municipality of Moca will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. Sex offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as sex offenders.

### **3.11 NOTIFICATION OF NEGATIVE ACTIONS**

If The MHA determines that an applicant does not meet the criteria for receiving housing assistance, The MHA will provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial.

### **3.12 INFORMAL REVIEW**

Except in the case of denials due to criminal background checks, the Federal Programs Director, or the designated representative, will conduct all informal reviews. The informal review applicant will be given the opportunity to present their objections in person. Upon receiving a request for informal review, a meeting will be scheduled. The final decision will be sent in writing to the applicant within 14 calendar days of the informal review. The notice will include a brief statement of the reasons for the decision.

## **CHAPTER 4: MANAGING THE WAITING LIST**

### **4.1 OPENING AND CLOSING THE WAITING LIST**

Opening of the waiting list will be announced with a public notice that applications for Section 8 will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also by any available minority media. The public notice will state any limitations to who may apply. The notice will be in compliance with Fair Housing requirements.

The MHA will suspend the acceptance or processing of new applications, or the addition of new listings to the waiting list if there is insufficient funding to participate in the Section 8 Program or when the number of applicants on the waiting list is such that new applicants would have to wait for more than one year for a voucher. This will avoid both unnecessary application processing costs and false hopes to applicant families that assistance would be available to them in the near future. Closing of the waiting list will be announced with a public notice posted in the Section 8 office, private and public service agencies, and community based organizations. The public notice will state the date the waiting list will be closed.

### **4.2 ORGANIZATION OF THE WAITING LIST**

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order preference (as stated section 5.2), then in order of date and time of application

### **4.3 PURGING THE WAITING LIST**

The MHA will update and purge its waiting list as necessary to ensure that the pool of applicants reasonably represents interested families. Purging also enables the Housing Authority to update the information regarding address, family composition, income category and preferences.

### **4.4 REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The MHA will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments;
- C. The applicant does not meet either the eligibility or screening criteria for the program.

Any applicant whose name is being removed from the waiting list will be notified by the Moca Housing Authority, in writing, that they have ten (10) calendar days from the date of the written correspondence to present justifying circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Moca Housing Authority system of removing

applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the Moca Housing Authority will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

## **CHAPTER 5: TENANT SELECTION AND ASSIGNMENT**

### **5.1 SELECTION FROM THE WAITING LIST/SPECIAL ADMISSIONS**

The Housing Authority may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

If HUD awards funding that are targeted for families with specific characteristics or families living in specific units, The MHA will use the assistance for those families. Examples include programs targeting the homeless; persons with disabilities; re-unifying families.

Special Admissions to the Section 8 program include project-based housing and service enhanced housing, wherein the Authority has contracted relationships with property owners and service organizations. For these programs, the Housing Authority identifies from its Section 8 Voucher waiting list, families who are appropriate for these special programs and serves these families ahead of others on the list. In addition, The MHA will accept referrals of eligible clients identified by owners and those service agencies who are our collaborative partners, in order to fully utilize the available funding. These applicants will be included in the Moca Housing Authority waiting list and must meet all normal screening criteria as well as special program criteria.

### **5.2 PREFERENCES**

The MHA will select families from the waiting list based on the following preferences:

- A. Families that are involuntarily displaced of their housing through no fault of their own under the following conditions: (Emergency cases only; evictions for non-payment of rent are not included.)
  - a. Fire, or
  - b. Collapsed structure (not directly associated to natural disaster)
- B. Families, whom by the Department of Human Service have lost custody of their children due to the lack of a secure home.
- C. Date and time preference (as a tiebreaker when all else is equal).

Preference A will be automatically placed on the top the waiting list due to its severity and if necessary, an emergency voucher will be issued until a voucher is available.

The ratio of preference A to preference B on the waiting list will be 3 to 7.

### **5.3 INCOME TARGETING REQUIREMENTS FOR SECTION 8 ADMISSIONS**

In spite of the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income, the Moca Housing Authority retains the right to skip higher income families on the waiting list to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families and the income of the families on the waiting list.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

#### 5.4 SUBSIDY STANDARDS

The Authority's subsidy (bedroom size) standards are used to determine the maximum rent subsidy that a family assisted under the voucher program will receive. The Authority's subsidy standards have been established in accordance with HUD regulations to provide Section 8 housing assistance to the greatest number of families possible. The Authority's subsidy standards will be applied consistently for all families of like size and composition. A family's voucher size will be determined in the following manner:

- A. One bedroom will be allocated to the Head of Household (and his/her spouse/significant other).
- B. One bedroom each will be allocated for every two remaining family members regardless of the age, or relationship of these other family members.

Thus, a family with a Head of Household and no spouse/significant other would be allocated a subsidy size in the following manner:

Family Size	Subsidy Size
1	1
2	2
3	2
4	3
5	3
6	4
7	4
8	5

A family with a Head of Household and a spouse/significant other would be allocated a subsidy size in the following manner:

Family Size	Subsidy Size
2	1
3	2
4	2
5	3
6	3
7	4
8	4
9	5

(This is a minimum subsidy size for family members; this may vary according to the situation at hand.)

## **5.5 QUALIFICATIONS TO SUBSIDY STANDARDS**

The following factors must be considered when assigning subsidy size:

- A. A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- B. A family member who is temporarily away from the home to attend school is considered a member of the family in determining the family unit size.
- C. Children who are being adopted, or whose custody is being obtained, may be considered in assigning subsidy size. However, there must be a reasonable assurance that the child or children will join the family within a year and the family must provide proof that the child or children joined the family. In cases where a family was given a larger subsidy size, but the child or children do not join the family, then, the family's subsidy size will be reduced with a 30-day notice from the Authority.
- D. A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family (this applies to subsidy standards only and not income limits).
- E. Unless a live-in aide is present, the subsidy size for any family consisting of a single person must always be a one-bedroom unit.

## **5.6 EXCEPTIONS TO SUBSIDY STANDARDS**

The subsidy standards may be waived for families in need of:

- A live-in aide for a family member (see Family Composition);
- Medical equipment which requires a separate room because of size or function; or
- A documented medical need that requires a separate room for a family member;
- A unit with more bedrooms due to unavailable housing (for a single person family only who is required to move and will lose their voucher if otherwise).

Families seeking an exception to the subsidy standards will be required to submit a request for such an exception. The request must meet the Authority's guidelines. In order to obtain a waiver, the family must provide justification for their request and supportive documentation. The Authority may request third party verification to verify the need for a waiver. If a waiver is granted, the Authority will increase the subsidy size appropriately. These are the only four cases in which a waiver may be granted. All other families will be assigned a bedroom size based on the subsidy standards above.

## **5.7 UNIT SIZE APPROVAL**

- A. Under the Voucher Program, no unit shall be disapproved on the sole ground that it is too large for the family.
- B. The family may rent a smaller bedroom size unit, provided that the unit meets Housing Quality Standards (HQS) guidelines.

## **5.8 EFFECT OF SUBSIDY SIZE ON BENEFIT PAYMENT STANDARD**

The family unit size, chosen by using the Authority's subsidy standard, is used to determine the maximum Voucher rent subsidy. The payment standard for a family is the lower of:

- The payment standard amount for the family unit size; or
- The payment standard amount for the actual unit size rented by the family.

## CHAPTER 6: DETERMINATION OF FAMILY INCOME

To determine annual income, The MHA counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, The MHA subtracts out allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

### 6.1 ANNUAL INCOME

- A. Annual income means all amounts, monetary or not, that:
  - a. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or
  - b. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
  - c. Are not specifically excluded from annual income.
- B. Annual income includes, but is not limited to:
  - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
  - b. The net income from the operation of a business or profession.
  - c. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
  - d. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
  - e. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

- f. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- g. Welfare assistance.
  - i. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
  - ii. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted.
- h. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- i. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

## **6.2 INCOME EXCLUSIONS**

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. 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;
- D. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
  - a. Amounts received under training programs funded by HUD;
  - b. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - c. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred

- (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
- d. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
  - e. Temporary, nonrecurring, or sporadic income (including gifts);
  - f. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - g. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
  - h. Adoption assistance payments in excess of \$480 per adopted child;
  - i. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
  - j. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
  - k. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this household member at home; or
  - l. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.
  - m. These exclusions include:
    - i. The value of the allotment of food stamps
    - ii. Payments to volunteers under the Domestic Volunteer Services Act of 1973
    - iii. Payments received under the Job Training Partnership Act
    - iv. Amount of scholarships awarded under Title IV including Work-Study
    - v. Payments received under the Older Americans Act of 1965
    - vi. Payments from Agent Orange Settlement
    - vii. The value of childcare under the Child Care and Development Block Grant Act of 1990
    - viii. Earned income tax credit refund payments
    - ix. Payments for living expenses under the AmeriCorps Program
    - x. Payments received under the Workforce Investment Act (WIA).

### **6.3 INCOME DEDUCTIONS**

The following deductions will be made from annual income:

- A. Dependent Allowance: \$480 for family member (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are a person with disabilities.

- B. Elderly/Disabled Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.
- C. Disability assistance expenses (care attendance and auxiliary apparatus) in excess of 3% of annual income for any household that does not qualify for the above deductions, but which has a member (other than the head or spouse) who is a person with a disability. This allowance may not exceed the employment income received by family members who are 18 years of age or older who is able to work because of such attendant care or auxiliary apparatus.
- D. For any elderly or disabled family:
  - a. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
  - b. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
  - c. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- E. Child Reasonable childcare expenses when the care allows a family member to be employed or further their education.

## CHAPTER 7: VERIFICATION

The MHA will verify information related to waiting list preferences, eligibility, admission and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations, full time student status of family members 18 years of age and older, Social Security Numbers, citizenship/eligible non-citizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

### 7.1 ACCEPTABLE VERIFICATION

Age, relationship, U.S. citizenship, and Social Security Numbers will generally be verified with documentation provided by the family and by the Upfront Income Verification System (UIV) and the Tenant Assessment Subsystem (TASS).

Other information will be verified by third party verification. This type of verification includes written documentation. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Moca Housing Authority or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

When third party verification cannot be obtained, The MHA will accept documentation received from the applicant/participant. Hand-carried documentation will be accepted if The MHA has been unable to obtain third party verification in a four week period of time. Photocopies of the documents provided by the family will be maintained in the file. When neither third party verification nor hand-carried verification can be obtained, the Moca Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

### 7.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Moca Housing Authority will send a request form to the source along with a release form signed by the applicant/participant via first class mail.

#### Verification Requirements for Individual Items

##### General Eligibility Items

Item to be verified	3er Party Verification	Hand-carried Verification
Citizenship	Letter from city/ county of birth	Birth Certificate or Baptism Certificate

Social Security Number	Letter from the SS Adm., Upfront Income Verification System.	Social Security Card
Eligible Immigration Status	INS SAVE conformation number	INS card
Disability	Letter from a medical professional or any agency that is authorized to certify such condition. Upfront Income Verification System.	Proof of SSI or Social Security disability payments
Academic Preparation	Letter from school or a letter of certification provided by the MHA.	Report cards, document evidencing enrollment or school transcript.
Need for Live-in Aide	Letter from doctor or other professional knowledgeable of condition and stating the need.	N/A
Disability and/or medical expenses	Letter from supplier.	Receipts and Bills.
Family Size	Document provided by MHA.	Letter From any Government Agency certifying family size.
<b>Value and Income from Assets</b>		
Savings, checking account	Letter from institution	Most current statements.
Stocks	Letter from broker or holding company.	Stock or most current statement.
Real Property	Letter from tax office, assessment, etc.	Property tax statement (for current value), records or income and expenses, tax return.
Personal Property	Assessment, bluebook, etc.	Receipt of purchase, other evidence of value.
<b>Income</b>		
Earned income	Letter from employer or document provided by the MHA.	<u>Full-time</u> most recent pay stub. <u>Part-time</u> several of the most recent pay stubs.
Self-Employed	Affidavit	Tax return from prior year, books of account.
Regular gifts and contribution	Letter from source.	Bank deposits, other similar evidence.
Alimony/ child support	Court order, letter from source. Letter from ASUME (Administration for the Support of Minors.)	Record of deposit, receipts

Periodic payments (social security, worker's comp, unemployment, etc.	Letter or electronic reports from the source. Upfront Income Verification System.	Award letter, letter announcing change in amount of future payments.
Training Program Participation	Letter from source or document provided by the MHA	N/A

### **7.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS**

The citizenship/ eligible non-citizen status of each family member regardless of age must be determined. Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. (They will be required to show proof of their status by such means as birth certificate, military ID or military DD 214 Form.) Prior to being admitted or at the first reexamination, all eligible non-citizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age. All eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The MHA will make a copy of the individual's INS documentation and place the copy in the file. The MHA also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, The MHA will mail information to the INS so a manual check can be made of INS records. Family members who do not claim to be citizens, nationals or eligible non-citizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of the household. Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program. Any family member who does not choose to declare their status must be listed on the statement of non-eligible members. If no family member is determined to be eligible under this Section, the family's admission will be denied. The family's assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this Section, except to the extent that the delay is caused by the family. If The MHA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

### **7.4 VERIFICATION OF SOCIAL SECURITY NUMBERS**

Prior to admission, each family member who has a Social Security Number and who is at least six years of age must provide verification of his or her Social Security Number. New family members must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination. The best verification of the Social Security Number is the original Social Security card. If the card is not available, The MHA will accept letters from Social Security that establish and state the number. Documentation from other governmental agencies will also be accepted that establish and state the number. Driver's license, military ID, passports, or other official documents that establish and state the number are also acceptable. If an individual states that they do not have a Social Security Number they will be required to sign a statement to this effect. The MHA will not require any individual who does not have a Social Security Number to obtain a Social Security Number. If a member of an applicant family indicates they have a Social Security

Number, but cannot readily verify it, the family cannot be assisted until verification is provided. If a member of a tenant family indicates they have a Social Security Number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated.

#### **7.5 TIMING OF VERIFICATION**

Verification must be dated within 60 days of certification or reexamination. When an interim reexamination is conducted, the Housing Authority will verify and update only those elements reported to have changed.

#### **7.6 FREQUENCY OF OBTAINING VERIFICATION**

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

Verification of Social Security Number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security Number at admission receives a Social Security Number, that number will be verified at the next regular reexamination.

## **CHAPTER 8: RENT AND HOUSING ASSISTANCE PAYMENT**

### **8.1 RENT REASONABLENESS**

The Housing Authority will not approve an initial rent or a rent increase in any of the tenant-based programs without determining that the rent amount is reasonable. Reasonableness is determined prior to the initial lease and at the following times:

- A. Before any increase in rent to owner is approved;
- B. If the Housing Authority or HUD directs that reasonableness be re-determined.

### **8.2 COMPARABILITY**

In making a rent reasonableness determination, the Housing Authority will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods. The Housing Authority will consider the location, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units. The Housing Authority will maintain current survey information on rental units in the jurisdiction. The data is updated on an ongoing basis and owners are invited to submit information to the survey at any time. Owners may review the determination made on their unit and may submit additional information or make improvements to the unit that will enable the Housing Authority to establish a higher value. The owner must certify the rents charged for other units. By accepting the housing assistance payment each month the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

### **8.3 MAXIMUM SUBSIDY**

The Fair Market Rent (FMR) published by HUD determines the maximum subsidy for a family. For the Voucher Program, the maximum payment standard will be 110% of the FMR without prior approval from HUD, or the exception payment standard approved by HUD.

### **8.4 SETTING THE PAYMENT STANDARD**

HUD requires that the payment standard be set by the Housing Authority at between 90 and 110% of the FMR. The MHA will review its determination of the payment standard periodically after publication of the FMRs. The Moca Housing Authority will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program. If it is determined that success rates will suffer or that families are having to rent low quality units or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships. Subject to approval by the HUD Field Office, the MHA may establish a higher payment standard above 110% of FMR to 120% of the FMR if required as a reasonable accommodation for a family that includes a person with disabilities. Payment standards will not be raised solely to allow the renting of luxury quality units. If success levels are projected to be extremely high and rents are projected to be at or below 30% of income, the Housing Authority may reduce the payment standard. Payment standards for each bedroom size are evaluated separately so that the payment standard for one bedroom size may increase or decrease while another remains unchanged. The Moca Housing Authority may consider

adjusting payment standards at times other than the annual review when circumstances merit such action.

Before increasing any payment standard, the Housing Authority will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds, are budgeted and available from HUD to assist families in the program.

## **8.5 SELECTING THE CORRECT PAYMENT STANDARD**

- A. For the voucher tenancy, the payment standard for a family is the lower of:
  - a. The payment standard for the family unit size; or
  - b. The payment standard for the unit size rented by the family.
- B. If the unit rented by a family is located in an exception rent area, the Housing Authority will use the appropriate payment standard for the exception rent area.
- C. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
  - a. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
  - b. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- D. At the next annual reexamination following a change in family size or composition during the HAP contract term and for any reexamination thereafter, paragraph C above does not apply.
- E. If there is a change in family unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination.

## **8.6 AREA EXCEPTION RENTS**

In order to help families find housing outside areas of high poverty or when voucher holders are having trouble finding housing for lease under the program, the Housing Authority may request that HUD approve an exception payment standard rent for certain areas within its jurisdiction. The areas may be of any size, though generally not smaller than a census tract. The Housing Authority may request one such exception payment standard area or many. Exception payment standard rent authority may be requested for all or some unit sizes, or for all or some unit types. When an exception payment standard rent has been approved and the FMR increases, the exception rent remains unchanged until such time as the Housing Authority requests and HUD approves a higher exception payment standard rent. If the FMR decreases, the exception payment standard rent authority automatically expires.

## **8.7 ASSISTANCE AND RENT FORMULAS**

- A. A. Total Tenant Payment  
The total tenant payment is equal to the highest of:
  - a. 10% of monthly income
  - b. 30% of adjusted monthly income
  - c. Minimum rent
  - d. The welfare rent

Plus any rent above the payment standard.

#### B. Minimum Rent.

The MHA has set the minimum from \$25.00 to \$50.00. The MHA reserves the right to change the minimum rent contingent with the necessities of the participant families or the HA. The family shall be informed of their right to request a hardship exemption when the minimum rent is imposed, and after each subsequent notice following reexamination of income. If the family requests a hardship exemption, the Moca Housing Authority will suspend the minimum rent for the family beginning the month following the family's hardship request. The suspension will continue until the HA can determine whether hardship exists and whether the hardship is of a temporary or long-term nature. During suspension, the family will not be required to pay a minimum rent and the Housing Assistance Payment will be increased consequently.

##### a. A hardship exists in the following circumstances:

- i. When the family has lost eligibility for or is awaiting an eligibility determination for a federal, state or local assistance program, including a family that includes a family member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for the Personal Responsibility and Work Opportunity Act of 1996;
- ii. When the family would be evicted as a result of the obligation of the minimum rent requirement;
- iii. When the income of the family has decreased because of changed circumstances, including loss of employment;
- iv. When the family has an increase in expenses because of changed circumstances for medical costs;
- v. When a death has occurred in the family.

b. No hardship. If the HA determines there is no qualifying hardship, the minimum rent will be re-established, including requiring back payment of minimum rent to the HA for the time of suspension.

c. Temporary hardship. If the HA determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be enforced for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be obligatory retroactively to the time of suspension. The HA will offer a reasonable repayment agreement for any minimum rent back payment paid by the HA on the family's behalf during the period of suspension.

d. Long-term hardship. If the HA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

e. Appeals. The family may use the informal hearing procedure to appeal the Housing Authority's determination regarding the hardship.

#### C. Rent for Families under the Non-citizen Rule

A mixed family will receive full continuation of assistance if all of the following conditions are met:

a. The family was receiving assistance on June 19, 1995;

b. The family was granted continuation of assistance before November 29, 1996;

- c. The family's head or spouse has eligible immigration status; and
- d. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three years. If granted after that date, the maximum period of time for assistance under the provision is 18 months. The MHA will grant each family a period of 6 months to find suitable affordable housing. If the family cannot find suitable affordable housing, The MHA will provide additional search periods up to the maximum time allowable.

## **8.8 UTILITY ALLOWANCE**

The Housing Authority maintains a utility allowance schedule for all tenant-paid utilities (except personal expenses, such as telephone), for cost of tenant-supplied refrigerators and ranges, and for cooking gas. The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the Housing Authority uses normal patterns of consumption for the community and current utility rate.

The Housing Authority reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The Housing Authority maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule. Participants may review this information at any time. The Housing Authority uses the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the Housing Authority subsidy standards).

At each reexamination, the Housing Authority applies the utility allowance from the most current utility allowance schedule.

The Housing Authority will approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

The utility allowance will be subtracted from the family's share to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the owner. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

## **8.9 DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT**

The Housing Authority pays the owner the lesser of the housing assistance payment or the rent to owner. If payments are not made when due, the owner may charge the Moca Housing Authority a late payment in accordance with generally accepted practices in the Moca jurisdiction.

## **8.10 CHANGE OF OWNERSHIP**

The MHA requires a written request by the owner who executed the HAP contract in order to make changes regarding who is to receive the Moca Housing Authority's rent payment or the address as to where the rent payment should be sent. In addition, The MHA requires a written request from the new owner to process a change of ownership. The following documents must accompany the written request:

- A. Verification of ownership such as Deed of Trust showing the transfer of title; Grant Deed; contract of sale; and
- B. Tax Identification Number or Social Security Number. The MHA may withhold the rent payment until the taxpayer identification number is received.

## **8.11 DISAPPROVAL OF OWNERS**

The MHA will disapprove the participation in the HCV Program any owner that has incurred in the following :

- A. Violation of obligations under one or more HAP contracts;
- B. Current or previous practice of non-compliance with HQS ;
- C. Threatens the right to peaceful enjoyment of the premises by the tenants, or
- D. Threatens the health or safety of residents and/or PHA employees

## **CHAPTER 9: INSPECTIONS**

### **9.1 HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401**

The MHA will inspect all units to ensure that they meet the basic Housing Quality Standards (HQS) according to 24 CFR 982.401 reflected in the Inspection Form HUD-52580-A. No unit will be initially placed on the Section 8 Housing Choice Voucher Program unless HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if the unit meets HQS.

The MHA must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. For the annual HQS inspection the family and owner will be notified of the appointment by first class mail. Moca Housing Authority usually conducts the annual unit HQS inspection concurrently with the family annual reexamination in accordance with section 9.1. If the family can not be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable the Housing Authority to enter the unit and complete the inspection.

If the family misses the scheduled inspection and fails to reschedule the inspection, the MHA will only schedule one more inspection. If the family misses two inspections, The MHA will consider the family to have violated a Family Obligation and their assistance may be terminated.

### **9.2 TYPES OF INSPECTIONS**

There are seven types of inspections The MHA will perform:

- A. Initial Inspection - An inspection that must take place to insure that the unit passes HQS before assistance can begin.
- B. Annual Inspection - An inspection to determine that the unit continues to meet HQS.
- C. Complaint Inspection - An inspection caused by the Authority receiving a complaint on the unit by anyone.
- D. Special Inspection - An inspection caused by a third party, i.e. HUD, needing to view the unit.
- E. Emergency - An inspection that takes place in the event of a perceived emergency. These will take precedence over all other inspections.
- F. Damage or Move Out Inspection (if applicable) - An inspection at the landlords request, to document the condition of a unit at the time the tenant vacates the unit, and where a claim provision exist in the HAP contract.
- G. Quality Control Inspection – An inspection conducted by staff other than the regularly assigned inspector or on a random basis to meet HUD guidelines.

### **9.3 OWNER AND FAMILY RESPONSIBILITY**

- A. Owner Responsibility for HQS
  - a. The owner must maintain the unit in accordance with HQS.
    - i. If the owner fails to maintain the dwelling unit in accordance with HQS, The MHA will take prompt and vigorous action to enforce the owner

obligations. The MHA's remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.

- ii. The MHA will not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the Moca Housing Authority and The MHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects the owner must correct the defect within no more than 30 calendar days (or any Moca Housing Authority approved extension).
  - b. The owner is not responsible for a breach of the HQS that is not caused by the family is responsible. Furthermore, the Moca Housing Authority may terminate assistance to a family because of the HQS breach caused by the family.
- B. Family Responsibility for HQS**
- a. The family is responsible for a breach of the HQS that is caused by any of the following:
    - i. The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
    - ii. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
    - iii. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).
    - iv. The Family fails to maintain the unit in decent, safe, and sanitary condition.
  - b. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any Moca Housing Authority approved extension).
  - c. If the family has caused a breach of the HQS, the Moca Housing Authority will take prompt and vigorous action to enforce the family obligations. The MHA may terminate assistance for the family in accordance with 24 CFR 982.552.

#### **9.4 TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS**

- A. HQS Fail Items for an Initial Inspection to approve a unit before assistance can begin. The MHA will schedule an inspection of the unit at a date the owner indicates that the unit will be ready for inspection, or as soon as possible thereafter upon receipt of a completed Request for Lease Approval. The owner and participant will be notified in writing of the results of the inspection. If the unit fails HQS, the owner and the participant will be advised to notify the Moca Housing Authority to schedule a re-inspection when the repairs have been properly completed. On an initial inspection, the owner will be given up to 30 days to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed in the program until the unit meets the HQS requirements. The MHA shall limit the number of reinspections to two.
- B. HQS Fail Items for Units under Contract

The owner or participant will be given time to correct the failed items cited on the inspection report for a unit already under contract. If the failed items endanger the family's health or safety (using the emergency item list below), the owner or participant will be given 24 hours to correct the violations. For less serious failures, the owner or participant will be given up to 30 days to correct the failed item(s). If the owner fails to correct the HQS failed items after written notification has been given, The MHA will abate payment and may terminate the contract. If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, The MHA will terminate assistance for the family in accordance with Sections 9.5 and 12.4(B).

C. Time Frames for Corrections

- a. Emergency repair items must be corrected within 24 hours of notice from the Authority.
- b. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner must be completed within 72 hours of notice from the Authority.
- c. Non-emergency items must be completed within 30 days of the initial inspection.
- d. For major repairs, The MHA may approve an extension beyond 30 days.

D. Extensions

At the sole discretion of The MHA, extensions of up to 30 days may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. If repairs are not completed within 60 days after the initial inspection date, the Moca Housing Authority may abate the Housing Assistance Payment (HAP) and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, sidewalks, or in cases where parts or specialized labor is not available.

## 9.5 ABATEMENT

When a unit fails to meet HQS and the owner has been given proper notification and opportunity to correct the deficiencies, but has failed to do so within the required timeframe, the Housing Assistance Payment (HAP) for the dwelling unit will be abated. No Housing Assistance Payment (HAP) will be paid to the landlord for the period the unit remains out of HQS compliance. If the deficiencies are corrected within the abatement period and prior to HAP contract termination, The MHA will end the abatement the day the unit passes inspection. Housing Assistance Payments (HAP) will resume the following day and be paid the first day of the next month. For tenant caused HQS deficiencies, the owner will not be held accountable and the Housing Assistance Payment (HAP) will not be abated. The tenant is held to the same standard and timeframes for correction of deficiencies as owners. If repairs are not completed by the deadline, The MHA will send a notice of termination to both the tenant and the owner. The tenant will be given the opportunity to request an informal hearing.

## **CHAPTER 10: RECERTIFICATION**

### **10.1 ANNUAL REEXAMINATION**

At least annually the MHA will conduct a reexamination of family income and status. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size.

The MHA will send a notification letter to the family 90 days prior to the reexamination date letting them know that it is time for their annual reexamination scheduling an appointment. The letter includes instructions for the family to obtain in advance of the appointment the necessary documents to complete the recertification. The family may contact staff and request that the appointment be rescheduled in the event of an emergency or as a reasonable accommodation.

During the recertification appointment, the family must provide all information regarding income, assets, expenses, third party verifications and all other information necessary to determine the family's share of rent. The family must sign the HUD consent form and other consent forms that later may be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, The MHA will re-determine the family's annual income and will calculate their family share.

### **10.2 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATION**

The new family share will generally be effective upon the anniversary date giving reasonable written notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any increase in the family portion of rent will be effective the 1st of the month following at least 30 days notice to the family. If the new rent is a reduction in the family portions of rent, and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

### **10.3 MISSED APPOINTMENTS**

If the family fails to respond to the scheduled appointment letter and fails to be present at the reexamination appointment, a second letter will be mailed. A second notice will advise the family of a new time and date for the reexamination. The letter will also advise that failure by the family to be present at the second scheduled appointment will result in the MHA taking action to terminate the family's assistance.

### **10.4 INTERIM REEXAMINATIONS**

During an interim reexamination only the information affected by the changes being reported will be reviewed and verified. Families will not be required to report any increase in income

or decreases in allowable expenses between annual reexaminations. Families are required to report the following changes to The MHA between regular reexaminations. These changes will trigger an interim reexamination.

A. The addition of a household member.

a. The addition of family members through birth, adoption or court-awarded custody of a child is not subject to approval by the Housing Authority. Participants must inform the Housing Authority within two weeks of any such addition, however, or they will be in violation of the Family Obligations. The MHA will automatically allow the addition of a family member through marriage only in cases where the new family member passes the Authority's standard applicant screening and if the owner has also given written permission to add the new member to the lease. In the case of same-sex relationships, the Housing Authority will allow the addition of a significant other if a committed relationship can be demonstrated. In either instance, participants must also inform the Housing Authority within two weeks of any such addition, or they will be in violation of the Family Obligations. The Housing Authority's approval must be received to add any other persons (including family members, boyfriends/girlfriends of the Head of Household and foster children) as occupants of the unit. The family must request to add new members in writing. Before a new member is added to the family, they must provide all information required of an applicant (e.g., income, citizenship status, social security number, etc.) and have this information verified. The proposed new family member must also undergo the criminal screening process for applicants. The owner must give written permission to add the new member to the lease. Written approval from the landlord must be obtained before the individual can be added to an existing lease. Family additions are at the Housing Authority's discretion. In cases where the addition of a family member(s) would increase the existing subsidy size, the added family member(s) can only be a minor, an adult person with disabilities or an elderly adult with no other means of obtaining affordable and safe housing. The family does not have the right for an informal hearing if the Housing Authority does not approve the addition of a family member. Rules governing the addition of live-in aides are covered elsewhere.

B. A household member is leaving or has left the family unit. The family must provide the following information to the Housing Authority, in writing, within two weeks of the date the individual left the household:

- a. The date the family member moved out;
- b. The new address, if known, of the family member;
- c. A statement as to whether the family member is temporarily or permanently absent.

C. Family break-up

When a family separates, the head of household has the option of giving up assistance to any remaining, adult family member. If there is a disagreement as to which member or members of the family should continue receiving Section 8 assistance, and there is no court order assigning the Section 8 assistance, the Moca Housing Authority will use the priority list detailed below to allocate the assistance.

The member or members who qualify for the highest priority will be assigned the assistance. The Housing Authority's priorities, in order of primacy, are:

- a. Victims of actual or threatened physical violence where that violence is a contributing cause of the household's breakup. This priority applies regardless of whether or not the victim of domestic violence remains in the Section 8 unit occupied by the household.
- b. The adult member of the household who retains primary physical custody of the majority of the household's minor children.
- c. The adult member of the household who originally received the assistance if another adult was later added to the household.
- d. The adult member of the household who is elderly and/or a person with disabilities.

As an example, if the family is splitting into two groups and one group is eligible for priority b and the other for priority c, the group eligible for priority b will receive the assistance. Additionally, if the only remaining members of the household are all minors, due to a parent's death for example, the Section 8 assistance may be allocated to a non-household member such as a parent who was not part of the household or a grandparent at the Housing Authority's discretion. The non-household member must have legal custody of the children. If the priorities listed above cannot be used to allocate the assistance, the allocation will be based on an evaluation of reasons advanced by each party requesting the assistance. In the case of choosing to assign the assistance to two or more adults who qualify under category d, assistance will be allocated based on need. In no case will more than one voucher be allocated to household members that split apart.

- **VERIFICATION OF PRIORITY IN ALLOCATION**

The Housing Authority will require the participant to verify their claim to priority in the allocation of Section 8 assistance by providing relevant documents, professional opinions from unbiased third parties, etc. If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the Moca Housing Authority will be bound by the court's determination of which family members continue to receive assistance in the program. Because of the number of possible different circumstances in which a determination will have to be made, The MHA will make determinations on a case-by-case basis. The family member requesting the determination may also request an informal hearing in accordance with the informal hearing procedure in Section 12.3. Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, The MHA will take timely action to process the interim reexamination and recalculate the family share.

## **10.5 ABSENCE FROM THE UNIT**

Families are considered absent when no member of the family is residing in their unit. The MHA may use utility bills, statements from neighbors and landlords, visits to the unit, postal records, letters and any other appropriate methods to determine whether the family is absent.

Families who are absent from their units for 60 or more consecutive days without good cause (see below) will have their housing assistance payments terminated. Good cause is defined as:

- A. Illness or hospitalization – medical history verification requested.
- B. Illness of a relative who needs care from a family member, in another location – medical history verification requested.
- C. Any other HA approved and verified circumstances, e.g. military services (reserves, etc.).
- D. Vacations for no more than 30 days.

Families who know, or believe, that they are going to be absent from their unit for more than 60 consecutive days must inform the Housing Authority within two weeks of the absence, or as early as can be reasonably expected in cases of emergency. The Housing Authority will determine whether adequate notice was given on a case-by-case basis. The Authority may continue making housing assistance payments for up to 180 days for families who will be absent from their units for good cause, such as long-term hospitalization. Even with good cause, housing assistance payments must cease after 180 days. The Housing Authority will require verification of cause. The Housing Authority will not grant an extension in cases where good cause is not shown, such as a vacation. Unless a family can prove extenuating circumstances, the Authority will also not grant an extension to families with good cause who did not inform the Agency that they would be absent from their unit for more than 60 consecutive days. Except in cases where the family can show both good cause and extreme circumstance (such as hospitalization for more than 180 consecutive days), a family whose housing assistance payment has ceased, will be terminated from the Section 8 program. In cases where the family can show both good cause and extreme circumstance, the Housing Authority may allow the family to remain on the program even if their housing assistance payment has ceased. The family will be issued a new voucher, which will then be suspended for the appropriate period of time. To receive this allowance, the family must be able to show that there is a reasonable target date for their return. It is expected that this allowance will be granted very rarely, if at all.

- **Effect of Individual Members Absence on the Household**

In cases where some adult members of the family will be absent for more than 60 days while others remain in the unit, the Housing Authority will recertify the remaining members. This may result in a smaller subsidy size being issued to the remaining members. In cases where the adult member(s) of a household are absent, while minors remain in the unit, the Housing Authority will follow the dictates of State and local law. If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the Housing Authority will seek advice from a reliable and qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be confined for more than 180 consecutive days, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent. Full time students who attend school away from the home but live with the family during school recess will be considered temporarily absent from the household. Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the

military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income. It is the responsibility of the head of household to report changes in family composition. The MHA will evaluate absences from the unit using this policy.

#### **10.6 SPECIAL REEXAMINATIONS**

If a family's income is too unstable to project for 12 months, including families that temporarily have no income or have a temporary decrease in income, the Moca Housing Authority may schedule special reexaminations every 60 days until the income stabilizes and an annual income can be determined.

#### **10.7 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS**

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the 1st of the month following reasonable notice to the family. If the family causes a delay, then the rent increases will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase). If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed. If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

## **CHAPTER 11: MOVES WITH CONTINUED ASSISTANCE**

Participating families are allowed to move to another unit after their initial term has expired, if the landlord and the participant have mutually agreed to terminate the lease, or if the Housing Authority has terminated the HAP contract. The Moca Housing Authority will issue the family a new voucher if the family does not owe the Moca Housing Authority or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a voucher within the last 12 months, and if The MHA has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice, the 12-month requirement will be waived.

### **11.1 WHEN A FAMILY MAY MOVE**

For families already participating in the Voucher Program, the Moca Housing Authority will allow the family to move to a new unit if:

- A. The assisted lease for the old unit has terminated;
- B. The owner has given the tenant a notice to vacate, has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant; or
- C. The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner).

### **11.2 PROCEDURES REGARDING FAMILY MOVES**

During the initial term, families may not end the lease unless: the MHA determines there is substantial cause; and both tenant and owner mutually agree to end the lease. If the family moves from the unit before the initial term of the lease ends without the owner's and the MHA's approval, it will be considered a serious lease violation and subject the family to termination from the program. Families are required to give proper written notice of their intent to terminate the lease. In accordance with HUD regulations, no notice requirement may exceed 60 days. The family is required to give The MHA a copy of the notice to terminate the lease at the same time as it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to the Moca Housing Authority will be considered a violation of Family Obligations and may cause the family to be terminated from the program. A family who gives notice to terminate the lease must mail the notice by certified mail or have the landlord or his agent sign a statement stating the date and time received. The family will be required to provide the certified mail receipt and a copy of the lease termination notice to The MHA, or a copy of the lease termination notice and the signed statement stating the date and time the notice was received. If the landlord or his/her agent does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made. Failure to follow the above procedures may subject the family to termination from the program.

### **11.3 PORTABILITY AND GENERAL POLICIES**

The MHA has developed the following policy concerning limitation on adjacent HA's Voucher moves: The MHA will not accept or refer mobility or portability of Vouchers from or to any adjacent HA's. The determination taken to establish this policy is based on the fact

that the adjacent HA's are within commuting distance from our HA. The Vouchers can be administered and serviced by our HA without having to assign them to adjacent HA.

A family whose head or spouse has a domicile (legal residence) in the jurisdiction of the Moca Housing Authority at the time the family first submits its application for participation in the program to the MHA may lease a unit anywhere in the jurisdiction of the MHA. If the head or spouse of the assisted family does not have legal residence in the jurisdiction of the MHA at the time of its application, the family will not have any right to lease a unit outside of the MHA jurisdiction for a 12-month period beginning when the family is first admitted to the program. During this period, the family may only lease a unit located in the jurisdiction of the MHA. Families participating in the Voucher Program will not be allowed to move more than once in any 12-month period and under no circumstances will the Moca Housing Authority allow a participant to improperly break a lease. Under extraordinary circumstances the MHA may consider allowing more than one move in a 12-month period. If a family has moved out of their assisted unit in violation of the lease, the Moca Housing Authority will not issue a voucher, and will terminate assistance in compliance with Section 12.2, Grounds for Termination of the Lease and Contract.

#### **11.4 INCOME ELIGIBILITY**

##### **A. Admission**

A family must be income-eligible in the area where the family first leases a unit with assistance in the Voucher Program.

##### **B. If a portable family is already a participant in the Initial Housing Authority's Voucher Program, income eligibility is not re-determined.**

#### **11.5 PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY**

##### **A. When a family utilizes portability to move to an area outside the Initial Housing Authority jurisdiction, another Housing Authority (the Receiving Housing Authority) must administer assistance for the family if that Housing Authority has a tenant-based program covering the area where the unit is located.**

##### **B. A Housing Authority with jurisdiction in the area where the family wants to lease a unit must issue the family a voucher. If there is more than one such housing authority, the Initial Housing Authority may choose which housing authority shall become the Receiving Housing Authority.**

#### **11.6 PORTABILITY ADMINISTRATION BY MOCA HOUSING AUTHORITY**

##### **A. When the MHA is the Initial Housing Authority:**

a. The MHA will brief the family on the process that must take place to exercise portability. The family will be required to attend an applicant or mover's briefing.

b. The MHA will determine whether the family is income-eligible in the area where the family wants to lease a unit (if applicable).

c. The MHA will advise the family how to contact and request assistance from the Receiving Housing Authority.

- d. The MHA will, within ten (10) calendar days, notify the Receiving Housing Authority to expect the family.
  - e. The MHA will immediately mail to the Receiving Housing Authority the most recent HUD Form 50058 (Family Report) for the family, and related verification information.
- B. When The MHA is the Receiving Housing Authority:
- a. When the portable family requests assistance from the Moca Housing Authority, the MHA will within ten (10) calendar days inform the Initial Housing Authority whether it will bill the Initial Housing Authority for assistance on behalf of the portable family, or absorb the family into its own program. When the Moca Housing Authority receives a portable family, the family will be absorbed if funds are available and a voucher will be issued.
  - b. The MHA will issue a voucher to the family. The term of the MHA's voucher will not expire before the expiration date of any Initial Housing Authority's voucher. The Moca Housing Authority will determine whether to extend the voucher term. The family must submit a request for tenancy approval to the Moca Housing Authority during the term of the Moca Housing Authority's voucher.
  - c. The MHA will determine the family unit size for the portable family. The family unit size is determined in accordance with the Moca Housing Authority's subsidy standards.
  - d. The MHA will within ten (10) calendar days notify the Initial Housing Authority if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.
  - e. If the MHA opts to conduct a new reexamination, The MHA will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility.
  - f. In order to provide tenant-based assistance for portable families, the Moca Housing Authority will perform all Housing Authority program functions, such as reexaminations of family income and composition. At any time, either the Initial Housing Authority or the Moca Housing Authority may make a determination to deny or terminate assistance to the family in accordance with 24 CFR 982.552.
- C. Absorption by The MHA
- a. If funding is available under the consolidated ACC for the Moca Housing Authority's Voucher Program when the portable family is received, the MHA will absorb the family into its Voucher Program. After absorption, the family is assisted with funds available under the consolidated ACC for the Moca Housing Authority's Tenant-Based Program.
- D. Portability Billing
- a. To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees. The billing procedure will be as follows:
    - i. As the Initial Housing Authority, the MHA will promptly reimburse the Receiving Housing Authority for the full amount of the housing

assistance payments made by the Receiving Housing Authority for the portable family. The amount of the housing assistance payment for a portable family in the Receiving Housing Authority's program is determined in the same manner as for other families in the Receiving Housing Authority's program.

- ii. The Initial Housing Authority will promptly reimburse the Receiving Housing Authority for 80% of the Initial Housing Authority's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs and is assisted by the Receiving Housing Authority. If both Housing Authorities agree, we may negotiate a different amount of reimbursement.

E. When a Portable Family Moves

When a portable family moves out of the tenant-based program of a Receiving Housing Authority that has not absorbed the family, the Housing Authority in the new jurisdiction to which the family moves becomes the Receiving Housing Authority, and the first Receiving Housing Authority is no longer required to provide assistance for the family.

## **CHAPTER 12: TERMINATIONS**

### **12.1 TERMINATION OF ASSISTANCE TO FAMILY**

The Housing Authority may at any time terminate program assistance for a participant, because of any of the actions or inaction by the household:

- A. If the family violates any family obligations under the program.
- B. If a family member fails to sign and submit consent forms.
- C. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If The MHA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.
- D. If any member of the family has ever been evicted from public housing.
- E. If the Housing Authority has ever terminated assistance under the Certificate or Voucher Program for any member of the family.
- F. If any member of the family commits drug-related criminal activity, or violent criminal activity.
- G. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- H. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- I. If the family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- J. If the family breaches an agreement with the Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority. (The Housing Authority, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. The Housing Authority may prescribe the terms of the agreement.)
- K. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.
- L. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Moca Housing Authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

### **12.2 TERMINATION OF THE TENANCY**

The term of the lease and the term of the Housing Assistance Payment (HAP) contract are the same. They begin on the same date and they end on the same date. The lease may be terminated by the owner, by the tenant, or by the mutual agreement of both. The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by

The MHA. Under some circumstances the contract automatically terminates. The initial term of the lease will normally be for one year. The Moca Housing Authority will allow a shorter initial term only in cases in which doing so would provide improved housing opportunities for the tenant and in which it can be demonstrated that such shorter term is the prevailing market practice. The tenancy will continue in accord with the lease and contract after the initial term.

A. Termination of the lease

a. By the family.

The family may terminate the lease in accord with the terms set therein and in the tenancy addendum. The family must give proper notice to both the owner and the Housing Authority prior to moving out of the unit. A copy of the notice given to the owner must be provided to the Housing Authority at the same time. Failure to meet any of these conditions is considered a breach of the Section 8 program's family obligations.

b. By the owner.

i. The owner may not terminate the lease except for:

1. Serious or repeated violations of the terms or conditions of the lease;
2. Violation of federal, State, or local law that impose obligations on the tenant in connection with the occupancy or use of the unit and its premises;
3. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents committed by a household member, a guest, or another person under the control of the tenant;
4. Any drug-related criminal activity on or near the premises committed by a household member, a guest, or another person under the control of the tenant;
5. Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;
6. Other good cause. Other good cause may include, but is not limited to:
  - (1) Failure by the family to accept the offer of a new lease;
  - (2) The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;
  - (3) A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.
7. During the initial term the owner may not terminate tenancy for other good cause unless the reason is because of something the household did or failed to do.
8. The owner may only evict the tenant by instituting a court action. The owner must give The MHA a copy of any owner

eviction notice to the tenant at the same time that the owner gives the notice to the tenant.

9. The owner may terminate the lease any time after the end of the initial lease term, without cause by providing appropriate notice to the family as required by state and local law that the tenancy will not be renewed.

- ii. Termination of the Lease by mutual agreement

The family and the owner may at any time mutually agree to terminate the lease.

## B. Termination of the Contract

### a. Automatic Termination of the Contract

- i. If The MHA terminates assistance to the family, the contract terminates automatically.
- ii. If the family moves out of the unit, the contract terminates automatically.
- iii. The contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

### b. Termination of the contract by the owner

The owner may only terminate tenancy in accordance with the lease and State and local law.

### c. Termination of the HAP contract by The MHA

The Housing Authority may terminate the HAP contract because:

- i. The Housing Authority has terminated assistance to the family.
- ii. The unit does not meet HQS space standards because of an increase in family size or change in family composition.
- iii. The unit is larger than appropriate for the family size or composition under the regular Certificate Program.
- iv. When the family breaks up and The MHA determines that the family members who move from the unit will continue to receive the assistance.
- v. The MHA determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.
- vi. The owner has breached the contract in any of the following ways:
  1. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.
  2. If the owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Housing Act.
  3. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
  4. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement;
  5. If the owner has engaged in drug trafficking.

- d. Final HAP payment to owner  
The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the Housing Authority may continue to make payments until the owner obtains a judgment or the family moves out.

### **12.3 INFORMAL HEARINGS**

#### **A. When a Hearing is Required**

The MHA will give a participant family an opportunity for an informal hearing to consider whether the following Moca Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Moca Housing Authority policies:

- a. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from The MHA utility allowance schedule.
- c. A determination of the family unit size under the Moca Housing Authority's subsidy standards.
- d. A determination that a Voucher Program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the MHA's subsidy standards, or The MHA determination to deny the family's request for an exception from the standards.
- e. A determination to terminate assistance for a participant family because of the family's action or failure to act.
- f. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under The MHA policy and HUD rules.

In cases described in paragraphs 12.3(A)(a), (e), and (f), of this Section, the MHA will give the opportunity for an informal hearing before The MHA terminates housing assistance payments for the family under an outstanding HAP contract.

#### **B. When a Hearing is not Required**

The MHA will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

- a. Discretionary administrative determinations by the Moca Housing Authority.
- b. General policy issues or group grievances.
- c. Establishment of the MHA's schedule of utility allowances for families in the program.
- d. A Moca Housing Authority determination not to approve an extension or suspension of a voucher term.
- e. A Moca Housing Authority determination not to approve a unit or tenancy.
- f. A Moca Housing Authority determination that an assisted unit is not in compliance with HQS. (However, The MHA will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)

- g. A Moca Housing Authority determination that the unit is not in accordance with HQS because of the family size.
  - h. A determination by The MHA to exercise or not exercise any right or remedy against the owner under a HAP contract.
- A. Warning Meeting

It is The MHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. Therefore, a meeting may be held with a Section 8 participant in cases where that participant's alleged actions or inactions are not serious enough to justify termination of assistance. The meeting would serve to inform the participant of the Housing Authority's allegations and can also function as a formal warning and official documentation of such warning. The primary goal of a warning meeting is to resolve the Housing Authority's allegations without subjecting the participant to a hearing. The secondary goal of an allegation review is to provide further documentation for cases that will proceed to a termination hearing. Regardless of whether or not a participant had a warning meeting, the participant is always entitled to an informal hearing as per HUD regulations.

#### **12.4 PROCEDURE FOR SCHEDULING AND CONDUCTING INFORMAL HEARINGS**

- A. The Housing Representative is responsible for taking the lead role in investigating all cases, sending out all notices to the participant and for presenting the case at the hearing.
- B. If the Housing Authority decides to terminate the participant's assistance, the Housing Representative must send a Notice of Termination to the participant and a copy to the owner. The notice must be reviewed and signed by the appropriate Supervisor. The notice will clearly state the basis for the decision, the specifics of the charge and will also cite appropriate Housing Authority policy and HUD regulations. The notice will also inform the participant of whether or not they have the right to an Informal Hearing regarding the decision and will explain the process by which an Informal Hearing may be requested. The Notice will be sent by certified mail. Participants must request an Informal Hearing within 10 calendar days of the date the Notice of Termination was received according to the Return Receipt.
- C. If a written request for Informal Hearing is received within 10 calendar days of the date of the Notice of Termination, a hearing will be scheduled. The hearing will be scheduled within 30 calendar days. The Housing Representative who sent out the Notice of Termination is responsible for scheduling the Informal Hearing and notifying all appropriate individuals. The participant is to be consulted and given consideration when scheduling the Informal Hearing. Concerning scheduling and attendance, the family must meet the requirements of MHA's appointment policy.
- D. Once a hearing time is scheduled, the Housing Representative responsible for the hearing will send out the following the Hearing Appointment Notification form and a copy of all documents that will be used in presenting the case at the hearing. If the Housing Representative obtains additional information to be used in the hearing, that information does not have to be provided to the participant if

discovery of evidence was not requested. If discovery is requested, then all information to be used in the hearing must be provided to the participant at least two business days prior to the hearing. Requests for additional sets of the documents and information to be used in the hearing will be provided at the family's (or their representative's) expense.

- E. MHA will use the Hearing Appointment Notification form to request discovery. If MHA requests discovery, the participant will be required to submit all information they will use in presenting their case two business days prior to the hearing. The Housing Representative is responsible for collecting and reviewing all physical evidence submitted by the family.
- F. Hearing Officers will be chosen from among MHA staff who will be assigned hearings on a rotating basis. Hearing Officers may not conduct hearings in cases where they made or approved the decision to terminate housing assistance or if the Hearing Officer is a subordinate of the person who made or approved the decision. If an appropriate Hearing Officer cannot be found amongst MHA staff, then a Hearing Officer will be obtained from outside the agency.
- G. The Hearing Officer is responsible for conducting the hearing. The Hearing Officer will have everyone in attendance at the hearing sign-in, will determine if discovery was requested by either side and will set up the tape recorder for the hearing. The MHA and the family must have the opportunity to present evidence and both sides may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. At its own expense, the family may be represented by a lawyer or other representative.
- H. When deciding the case, the Hearing Officer will only consider evidence presented at the hearing. The lone exception is if third party verification is needed to substantiate hearing testimony (e.g., proof of address). The Hearing Officer may allow a reasonable time for either side to submit relevant information. Information that is not produced by the Hearing Officer's deadline will not be considered. The Hearing Officer's decision will be based on a preponderance of the evidence.
- I. I. The Hearing Officer should complete the decision within 10 business days of the hearing. If third party verification is required, the Hearing Officer should complete the decision within 10 business days of receipt of the verification.
- J. Anytime the Hearing Officer's decision is against the MHA, the Director of the MHA must review the decision prior to mailing to determine if the MHA is bound by the Hearing Officer's judgment. If this review determines that the MHA is not bound by the Hearing Officer's decision, then a report must be appended to the Hearing Officer's decision explaining why the MHA is not bound by the decision. Per HUD's regulations, the MHA is not bound by a hearing decision:
  - a. Concerning a matter for which the Housing Authority is not required to provide an opportunity for an informal hearing, or that otherwise exceeds the authority of the person conducting the hearing under MHA's hearing procedures.
  - b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- K. The Hearing Officer's decision (and, if applicable, the appended report explaining why MHA is not bound by the Hearing Officer's decision) will be mailed to the family. As proof of service, decisions that uphold termination should be sent by

certified mail. The report will be written so that it incorporates the requirements for a Notice of Final Decision. If the family's Section 8 assistance is to be terminated, the report will specify the effective date of the termination.

- L. A copy of the Hearing Officer's report will be given to the Housing Representative who presented the case for placement in the participant's file. A copy of the decision will also be provided to all MHA staff involved in the hearing.
- M. The Hearing Officer will submit a completed Hearing Information/Decision Summary and a copy of the decision will be placed in the MHA's hearing file.
- N. If the participant disagrees with an informal hearing decision, the participant has the right to request a review by The MHA's Executive Director or his/her authorized representative. The participant must request the review within 20 calendar days of the date or postmark of the Hearing Officer's decision. If the participant requests review by the Executive Director within the specified time period, no action adverse to the participant can be taken until the Executive Director issues a decision, or 30 calendar days elapse, whichever occurs first. The Executive Director may uphold the decision, overrule the decision, or require that a new informal hearing be held. If the Executive Director decides that a new informal hearing should be held, the Executive Director will appoint an Informal Hearing Officer other than the person that made the decision or a subordinate of such person. If the decision of the Executive Director is not mailed or hand delivered to the participant within 30 calendar days of the request for review, the Informal Hearing Officer's decision shall be considered to be final.
- O. It is at the Executive Director's sole discretion that a request for a rehearing will be granted or denied. At the Executive Director's discretion, a rehearing may be limited to written submissions by both parties.

## **CHAPTER 13: COMPLAINTS**

The MHA will investigate and respond to complaints by participant families, owners, and the public. The MHA may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated whenever possible.

## **CHAPTER 14: SECTION 8 ADMINISTRATIVE FEE RESERVE CHARGES**

Occasionally, it is necessary for the MHA to spend money of its Section 8 Administrative Fee Reserve to meet unseen or extraordinary expenditures or for its other housing related purposes consistent with State law. The MHA Board of Commissioners authorizes the Executive Director to expend without prior Board approval the excess of 25% of total annual approved budget for authorized expenditures.

## **CHAPTER 15: QUALITY CONTROL OF THE SECTION 8 PROGRAM**

In order to maintain the appropriate quality standards for the Section 8 program, the Moca Housing Authority will annually review files and records to determine if the work documented in the files or records conforms to program requirements. This shall be accomplished by a supervisor or another qualified person other than the one originally responsible for the work or someone subordinate to that person. The number of files and/or records checked shall be at least equal to the number specified in the Section 8 Management Assessment Program for our size housing authority.

## **CHAPTER 16: SCOPE OF ADMINISTRATIVE PLAN**

This Administrative Plan defines the MHA's policies for operating its Section 8 programs. The parameters for these policies are established by federal laws and regulations. Issues related to the Section 8 program that are not addressed in this document are governed by federal, State and local regulations and HUD Notices, Memos and guidelines. If there is any conflict between this policy and laws or regulations, the Federal program laws and regulations will prevail. Only the Executive Director may grant an exception to any of the policies set forth in this document. The Housing Authority may not grant an exception to Federal program laws and regulations.

## **CHAPTER 17: APPOINTMENT POLICY**

Section 8 participants and applicants (all references to participants in this section, excluding hearings, should be read as applicants/participants) are expected to promptly keep all appointments set with the agency. This policy applies to all appointments set with the MHA including, but not limited to, eligibility interviews, hearings and inspections. Any participant who fails to meet the requirements of the Housing Authority's appointment policy will have their housing assistance terminated. In the case of hearings, a participant who does not meet the Housing Authority's appointment policy will automatically lose their hearing. A participant who needs to change the time or date of their appointment will be allowed to reschedule once. The rescheduled appointment must occur within ten working days of the originally scheduled appointment. A participant who wishes to reschedule an appointment must contact the Housing Authority at least two working days before the date of their originally scheduled appointment. A participant who does not provide proper notice will face termination or loss of hearing. A participant is not permitted to reschedule an appointment more than once. A participant who misses their second appointment will face termination of assistance or loss of hearing. Emergency situations (such as accidents or hospitalization) will be taken into consideration when implementing this policy. A participant who claims they missed an appointment due to an emergency will be required to conclusively prove such a claim.

## **CHAPTER 18: CONFLICT OF INTEREST POLICY**

### **18.1 CONFLICT OF INTEREST POLICY**

Neither the Authority nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with any of the Authority's Section 8 programs in which any of the following classes of persons has any interest, direct or indirect, during their tenure or for one year thereafter:

- A. Any present or former member or officer of the Authority (except a participant commissioner);
- B. Any employee of the Authority, or any contractor, subcontractor or agent of the Authority, who formulates policy or who influences decisions with respect to the programs (except that program participants may be hired as employees of the Authority);
- C. Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
- D. Any member of the Congress of the United States including Puerto Rico.

### **18.2 EMPLOYEES WHO ARE ALSO AUTHORITY CLIENTS**

An employee of the Authority who is a client or who is related to a client has a responsibility to avoid any conflict of interest that might lead to unequal treatment. Therefore, the following procedural standards are to be employed in all such circumstances.

- A. No employees, or their staff if they are a Manager or Supervisor, shall handle matters related to their own cases or to the cases(s) of member(s) of their family.
- B. Employees of the Leased Housing Department shall be responsible for reporting to the Director of Federal Programs of actual conflict of interest. If the employee is unsure whether or not a conflict of interest exists, the employee shall refer the matter to the Director Federal Programs for a determination. It shall be the responsibility of the Director of Federal Programs to ensure that any actions or decisions taken within the Housing Department affecting any employee's participant status or the participant status of an employee's relative are in accordance with all applicable policies and procedures. It shall be the responsibility of the Director of Federal Programs to ensure that any actions or decisions taken within the Eligibility Department affecting any applicant's status or the applicant status of an employee's relative are in accordance with all applicable policies and procedures. The Director shall ensure that the employee or employee's relative shall neither suffer any loss of benefit nor receive any gain of benefits as a result, direct or indirect, of her/his employment at the Authority or her/his relationship to an Authority employee. As such:
- C. Any time action is taken or a decision is made which affects the applicant or participant status of an Authority employee or a relative of an Authority employee in any way, all Authority paperwork must be received and signed by the appropriate Director before the action or decision becomes effective.
- D. Each initial determination of eligibility and each selection to a program of an Authority employee or a relative of an Authority employee shall be forwarded from the Director of Federal Programs and to the Executive Office for review and final

approval. A certification by the Director of Federal Programs shall accompany the file to the Executive Office stating that all determinations and actions taken have been reviewed pursuant to applicable policies and procedures.

### **18.3 DISCIPLINARY PROCEDURES**

It is the policy of the Authority to operate all of its programs in an ethical manner and in such a way that no group or individual shall have an unfair advantage in the receipt of the Authority's programs and services. The Authority will vigorously investigate any suspected violation of its Conflict of Interest policies and will cooperate with HUD's Office of Inspector General, local and Housing Authority police and any other appropriate bodies when conducting investigations of suspected violations. Appropriate penalties shall be determined for each individual case. Available penalties include:

- A. Written reprimand;
- B. Suspension;
- C. Probation;
- D. Demotion;
- E. Termination; and
- F. Criminal Prosecution.

### **18.4 WAIVER CONFLICT OF INTEREST PROVISIONS**

The conflict of interest prohibitions detailed under this section may be waived for good cause by the HUD field office in accordance with the Office of Ethics of the Government of Puerto Rico.

***MUNICIPALITY OF MOCA***  
***FAMILY SELF-SUFFICIENCY (FFS) PROGRAM***  
***ACTION PLAN***

**I. INTRODUCTION**

A growing number of families in our communities face a poverty situation of serious proportions. Unemployment, family break-ups or health conditions contribute to temporary conditions of poverty; nevertheless, many families manage to recover and return to productive lives. There is however a very large segment of our population who remain poor, chronically unemployed, and basically dependent of welfare helps or government assisted programs.

Among the basic needs of the families, housing constitutes one of the most important. Housing provides shelter, protection, and a sense of identity, belonging, and privacy. A home is where basic cultural values are transmitted and should provide the minimum conditions for adequate social integration for its residents.

As a Public Housing Agency (PHA), the Municipality of Moca has received additional Rental Vouchers, to assist in the provision of new housing opportunities to the very low income families, whose demand cannot be met with our current Section 8 Vouchers Program. These units will be used in connection with the Family Self-Sufficiency (FFS) Program.

## **II. FAMILY SELF-SUFFICIENCY (FSS) PROGRAM**

The purpose of the FSS Program is to promote the development of local strategies to coordinate the use of assistance under the Section 8 Vouchers Program with public and private resources, to enable families eligible for or receiving assistance under this program to achieve economic independence and self-sufficiency.

The FSS Program will be developed and operated by the PHA in conformity with the Section 8 program regulations and applicable civil rights authorities, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination act of 1975, Executive Order 11063, and Section 3 of the Housing and Urban Development act of 1968, as amended.

## **III. ACTION PLAN**

Through the development and implementation of a well coordinated Action Plan, we aim to combat many problems of poverty and dependency using strategies that will focus on work preparation and personal values development. Community agencies government and private have been approached and encouraged to participate with us in this challenging and rewarding program.

The proposed course of actions and details of the program are included in this Action Plan. This document will be outlined in meetings with members of the Coordinating Committee and coordinated with the Chief Executive Officer of the municipality whose families will be assisted under PHA FSS Program.

This Action Plan contains target dates, commitment agreements in the provision of the supportive service, the FSS program Contract of Participation, enclosed as Exhibit

A, the outreach efforts, procedural requirements, and other information and documents, as needed.

#### **IV. PROGRAM DESIGN**

##### **A. FSS Program Management and PHA Coordination**

The Program's initial activities are being coordinated by the PHA Executive Director. Upon approval of our FSS proposal by HUD, the PHA will appoint a program coordinator to supervise and structure the related programmatic activities, under the overall direction of the Executive Director. The Coordinator will continue to carry out the necessary functions in the formal structure of the Coordinating Committee, which have been already initiated, and other related tasks.

- i. Coordinating Committee- The Program Coordinating Committee (PCC) will be integrated by professional representative from public and private enterprises, church groups, community leaders, local business, and other resources. The representatives from these entities will have an input in the program design and action steps of the FSS Program, and will be responsible for functions such as:
  1. Developing a working relationship with the Program Coordinator and other related program staff in the achievement of the program objectives.
  2. Coordinating the needed actions for the selection of committee representative.

3. Making specific commitments of time, staff, and resources to the program.

4. Providing input into the program research and evaluation.

The organization of the Committee is already underway, and meetings will be held with some of its proposed members, during which we will discussed aspects such as:

1. The creation and purpose of the family Self-Sufficiency (FSS) Program.

2. The proposal of the PHA to develop and implement the FSS Program, upon HUD approval of the new units (Housing Vouchers), as well as for Section 8 participants under our current Existing Housing Vouchers program.

3. The services that should be provided and resources that can be used in carrying out a successful program.

4. The functions of the Committee and its assistance to our PHA, in securing commitments of public and private resources for the operation of the FSS Program.

5. A form will be drafted to gather the necessary data to draw the profiles of the Section 8 participants and applicants under the FSS Program.

The expertise and sound experience of this PHA will enhance the outcome of the Self-Sufficiency Program.

## **V. PROGRAM IMPLEMENTATION**

### **A. Program Description and PHA Administrative Capability**

1. The local PHA has the legal capability to develop and operate the Section 8 Rental Assistance FSS Program.
2. Supportive Service- the PHA proposes to expand the functions of the Program Coordinating Committee to include the assessment of needs of the target population and to develop a plan for rendering those services, which directly address the Family Self-Sufficiency Program objectives. This Action Plan includes the role of the Coordinating Committee. One of the Family Self-Sufficiency Program stronger features will be a network of counseling services to be provided in an effort to increase the participant's capability for self-sufficiency.
3. Through the FSS Program, Families will be offered the opportunity to become acquainted with other local agencies, will have direct access to existing and emerging job opportunities, and will be, in general, counseled and trained as to way in which grow gradually into economic independence.
4. The FSS Program efforts offering accurate and timely information concerning the availability and adequate utilization of services will ultimately contribute to a better local distribution of these services, whether federally or locally funded. This includes benefits currently provided by different entities.

B. Eligible Participating Families

The 25 eligible participating families who can reasonably be expected to receive supportive services under the Family Self-Sufficiency Program must be eligible for Section 8 or Public Housing Programs as applicable.

Also, additional applicant families will be accepted when there are no families in the waiting list willing to participate in the FSS Program.

C. Description of Activities and Supportive Services

The following agencies and entities will provide the activities and supportive service:

1. Department of Labor
2. Department of Health
3. Department of Education
4. Planning Board
5. Municipal Agencies and Offices
6. Federal Agencies
  - a. Rural Development (USDA)
  - b. Department of Housing and Urban Development
7. Private community groups
8. Local Banks
9. Saving and Loans Associations

By the coordinate efforts of public and private entities participating and providing support to the FSS Program, obstacles to Family Self-Sufficiency can be

minimized or eliminated. Support to be provided by the above-mentioned agencies and entities are as follows:

A. **Child Care-** It is considered an essential element of a successful Self-Sufficiency Program. This service will be provided by the local government through the Head Start Centers and/or by the Human Resources/Child Care office in the Governor's Office.

B. **Counseling Assistance-** Technical staff of the Municipality's Section 8 Office and other local government offices' staff will be available to provide counseling assistance through the Section 8 Technicians, Social Workers, and other qualified personnel.

C. **Owners Participation-** Owners of units eligible to participate in the program will be contacted by local invitation and radio spots, if necessary, indicating the housing type and sized need for eligible families.

D. **Supplementary Education-** Over 75% of FSS Program participants will require some kind of supplementary adult education. The cost of these services will be assumed by the State Government through the Department of Education and other entities, with whom the PHA will make due coordination.

E. **Job-Development, Training and Placement-** Considering the distressed economic conditions of the area, these services are essential to the success of the FSS Program. The Department of Labor and Human Resources as well as the youth affairs office,

governor office, the municipal government and other competent and interested agencies are available to provide assistance in these areas.

**F. Substance Abuse Treatment and Counseling-** These services, if needed, will be provided by the Mental Health Administration for the Control of Drug Addiction (ASSMCA). The Department of Social Services, the Health Department, and other qualified entities will be also contacted in the provision of these services.

**G. Counseling in Homeownership Responsibilities and Opportunities Available for Rental and Homeownership in the Private Housing Market-** The Mortgage Bankers, the Housing Development Corporation for Puerto Rico (HDC), a non profit organization engaged in the development and administration of housing for low and very low income families in Puerto Rico. The Department of Housing and Urban Development, the local municipal government, and other qualified entities will be contacted in this important servicing area.

**H. Training in Homemaking and Parenting Skill, Money Management, and Household Management-** These services will be provided by the qualified personnel of the Municipal Government, local banking entities, if available.

**I. Church Services and Counseling-** Church representatives will be contacted to contribute with important services, such as: talks and

movies about human relations, leadership, and communication between parents, religious counseling, religious and social activities, stimulate the children participation in organized groups like the boys and girls scouts, police athletic league, and other activities of benefit to the family members.

D. Identification of needs and Deliver Services

1. **Tenant Group Orientation and Initial Training-** The group orientation and initial training will be designed to establish and reinforce new social and norms values and strengthen and increase the participants' self-image. They will be motivated in the development of skills and making effective use of community programs for growth and development.

The following information will be provided to the prospective applicants during the initial orientation:

- a. The purpose and objectives of the Self-Sufficiency Program.
- b. The eligibility requirements for participation established by HUD.
- c. The selection process.
- d. Owner requirements for participation.
- e. Introduction to the Contract of Administration under the FSS Program.

The group orientation will continue throughout the program. Participants attendance to any training course will be monitored, as well as the progress achieved.

2. **Individual Skill Training-** Participants will be made fully aware of the fact that in order to succeed in their employment, they should gain a set of basic skills.

Based on the above, the FSS program will focus on individual skills training from remedial education to socialization skills training.

After completing the initial training, the participants will be interviewed by the Coordinator and other program related staff, as well as the Coordinating Committee members as need. Personal needs assessments will be prepared based on the outcome of the interviews. The assessment will identify any special needs or limitations, which may inhibit the participant from achieving self-sufficiency, to take the pertinent steps. A referral system will be developed where the FSS Program Coordinator will synchronize the necessary action with the support service providers, emphasizing on the services and activities, which will conduct to achieve self-sufficiency according to the personal needs assessment.

**3. Job Training-** Employment service agencies will be used to the maximum during the training periods to engage participants in job assignments. This process will lead to the action phase of the Program's job placement.

**4. Job Placement and Retention-** This final step after the job training phase will be designed to increase the probability that FSS program participants will find and retain good jobs with the needed support and continue their individual development outside the boundaries of the program.

#### E. Public and Private Resources Available to Provide Activities and Services

A description of services and programs available in our community and represented in the Program Coordinating Committee are as follows:

**1. Tutoring Programs-** For persons who have not finished elementary or high school and want to take the equivalency test.

- a. Remedial courses
- b. Workshops about high school requirements or College
- c. Counseling individual and collective
- d. Seminars about study habits
- e. Cultural activities

**2. Religious Organizations:**

- a. Religious counseling
- b. Religious and social activities
- c. Referral to other agencies and professionals
- d. Human relations

**3. Department of Education**

- a. Adults basic education (1<sup>st</sup> to 8<sup>th</sup> grade)
- b. Adults secondary education (9<sup>th</sup> to 12<sup>th</sup> grade)
- c. Conversational English courses

**F. FSS Tenant Participant Selection Procedures-**

**1. Section 8 Applicants-** Self-Sufficiency families must be selected from current participant families that are interested in participating. Eligible applicant families in the Section 8 waiting list established pursuant to 26 vouchers (Housing Vouchers) will be given the opportunity to participate in the program after they are carefully explained the details of the Self-Sufficiency Program. Current Section 8 vouchers participants who do not wish to participate in the FSS Program will not lose their housing assistance because of this decision.

**2. Opening the Waiting List-** According to the programs regulations, the PHA will open its Section 8 Waiting List to additional families interested in participating in the FSS Program only when there are no current participant families or applicant families.

**3. Federal and Local Preference-** The federal and local preferences will be followed as called for in the regulations and Administrative Plan for the vouchers.

**4. Non-discrimination-** The PHA will not discriminate against potential FSS participants for reasons of race, color, religion, sex, handicap, familiar status, or national origin. We will fully comply with the provisions of Title VI or the Civil Rights Act of 1964 (P.L. 88-352) and regulations pursuant thereto (Title 26 vouchers Part I), Title VIII of the Civil Rights Act of 1968(P.L 90-284), as amended, Executive Order 11063 on Equal Opportunity in Housing, the HUD-approved Equal Opportunity Housing Plan, and all related requirements.

G. Selection of Participant Families

It is the PHA intention to select Family Self-Sufficiency participants only from the current/tenants Section 8 Program. The PHA closed Waiting List may be opened to additional families interested in participating in the FSS program only when there are no current participant families or applicant families, if none of the current participant families are interested in participate in the FSS program. The PHA will advertise this solicitation of interest in accordance with the procedures established in its Action, Administrative, and Equal Opportunity Housing Plans.

#### H. PHA Notification and Outreach Efforts

The PHA will be selecting FSS participant families only from the current tenants/section 8 program participants and/or from Section 8 waiting List (if there are no current participants families interested in participate).

#### I. Selection of Participants from Current PHA or Section Participants

The PHA must select FSS participant families from the current Section 8 participants families or from the Waiting List which made include applicant families, if none of the current participant families are interested in participate. A system will be established for the selection of interested current participants/residents or applicants families, if none of the current participant families are interested in participate, which include the following selection preferences:

1. A lottery
2. Seniority based on the length of time the current family has been participating in the PHA applicable program.
3. Seniority based on the time family was on the Waiting List and the time it has been participating in the applicable program.
4. The date the family expressed interest in participating in the FSS program.
5. Any other impartial method.

#### J. Termination of Participants in FSS Program

Will be terminated or withheld by the PHA by reasons set forth in the contract of family participation as follows:

1. The failure of a participation family or a member of the participating family to honor the terms of the contract.
2. Mutual consent of the parties.
3. A participating family's achieving self-sufficiency.
4. Expiration of the term of the contract and any extension thereof.
5. A participating family's withdrawal from the FSS program.
6. By such other act as it deemed inconsistent with the purpose of the FSS program, by operation of law.

It requires that the head of household seek and maintain suitable employment throughout the term of the contract, including any extensions to the contract. Employment should reflect the person's training and available job opportunities. Only the head of the household must seek employment. The hearing and housing grievance procedures established in the PHA Administrative and Equal Opportunity Housing Plans will be implemented if assistance under FSS program is terminated or withheld by the PHA or participant and requested by the FSS program participant. Both procedures will be fully explained to FSS participants at time of tenant group orientation and initial training.

K. Soundness of the PHA Proposed Programas Federales

Our PHA has the legal capacity to develop and operate the Family Self-Sufficiency Program (FSS) as it has done with the Section 8 Rental Assistance Payments Programs (Vouchers). Therefore, we will continue to make all efforts to comply with all requirements in the implementation of the Family Self-Sufficiency Program (FSS).

## **VI. FSS ESCROW ACCOUNT**

In accordance with the program provisions, the PHA will establish an “escrow saving account” (FSS Account) for each family participating in the FSS Program, and will credit it a portion of the increase of “rent paid” that would otherwise result from increases in earned income during the term of the Contract of Participation. The term “rent paid” refers to the family contribution to rent as defined in accordance with existing program procedures. The PHA will determine the appropriate amounts to be credited to the escrow account in accordance with HUD requirements. Under the program terminology, “FSS account” means the “FSS escrow account”. The term “FSS credit” is used to denote the amount credited by the PHA to the participating family’s FSS account.

## **VIII. EVALUATION**

The programs success will be measured in terms of the self-sufficiency goals achieved. All participants will be evaluated using criteria, such as educational; level attained, employment, status, annual income, job skills developed, job placement and other related factors. The PHA will conduct the program evaluation on a continuous basis for adjustments or improvements, as needed.

### *Certification*

This is to certify that development of the services and activities under the FSS program has been coordinated with the Job Opportunities and Basic Skills Training program under Part F of Title IV of the Social Security Act, the program under the Workforce Investment Act (WIA), and any other relevant employment, child care, training, and education program (e.g., Job training for the Homeless Demonstration Program) in the applicable area, and that implementation will continue to be coordinated, in order to avoid duplication of service and activities.

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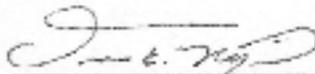
Jose E. Aviles Santiago, Mayor  
PHA Authorized Signature

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

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

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

I, Omar Negrón Judice, MBA the Commissioner certify that the Five Year and  
Annual PHA Plan of the Municipality of Moca is consistent with the Consolidated Plan of  
Puerto Rico prepared pursuant to 24 CFR Part 91.

 4/13/10

Signed / Dated by Appropriate State or Local Official

**Civil Rights Certification**

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

**Civil Rights Certification****Annual Certification and Board Resolution**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

MUNICIPALITY OF MOCA

RQ010

PHA Name

PHA Number/HA Code

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

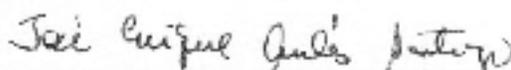
Name of Authorized Official

JOSE ENRIQUE AVILES-SANTIAGO

Title

MAYOR

Signature



Date

03/26/2010

# Certification for a Drug-Free Workplace

U.S. Department of Housing  
and Urban Development

Applicant Name

MUNICIPALITY OF MOGA

Program/Activity Receiving Federal Grant Funding

## SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

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

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

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

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

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

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

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

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

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

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

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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

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

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

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

JOSE ENRIQUE AVILES-SANTIAGO

Title

MAYOR

Signature

x José Enrique Aviles Santiago

Date

03/26/2006

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

Approved by OMB  
0348 0046

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input checked="" type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: 40	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  N/A  Congressional District, if known:	
<b>6. Federal Department/Agency:</b>  HOUSING AND URBAN DEVELOPMENT	<b>7. Federal Program Name/Description:</b>  SECTION 8 HOUSING CHOICE VOUCHER PROGRAM  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b>  \$	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI):  N/A	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI):	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the Fed above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u>Jose Enrique Aviles Santiago</u> Print Name: <u>JOSE ENRIQUE AVILES-SANTIAGO</u> Title: <u>MAYOR</u> Telephone No.: <u>787-877-6000</u> Date: <u>01/28/2010</u>	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

# Certification of Payments to Influence Federal Transactions

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

Applicant Name

MUNICIPALITY OF MOCA

Program/Activity Receiving Federal Grant Funding

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

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

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

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

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

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

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012, 31 U.S.C. 3729, 3802)

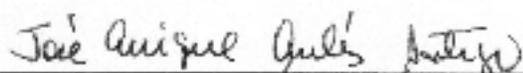
Name of Authorized Official

JOSE ENRIQUE AVILES SANTIAGO

Title

MAYOR

Signature



Date (mm/dd/yyyy)

03/26/2010

**PHA Certifications of Compliance  
with PHA Plans and Related  
Regulations**

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

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:  
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the    5-Year and/or    Annual PHA Plan for the PHA fiscal year beginning 07/2010, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PHA Notice 2006-24);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

MUNICIPALITY OF MOCA  
PHA Name

0010  
PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 2010 - 2015

Annual PHA Plan for Fiscal Years 20\_\_ - 20\_\_

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

Name of Authorized Official  <b>JOSE ENRIQUE AVILES SANTIAGO</b>	Title  <b>MAYOR</b>
Signature  <i>Jose Enrique Aviles Santiago</i>	Date  <b>03/26/2010</b>





**PRESENTACIÓN PHA PLAN**

**A LA JUNTA DE PARTICIPANTES**

**AÑO FISCAL 2010-2011**

**14 de enero de 2010**

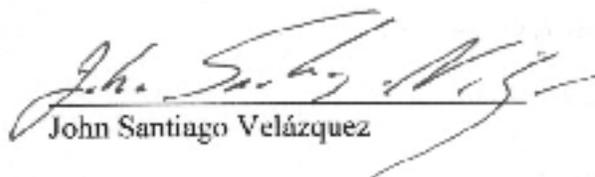
**MINUTA**

Presidiendo: John Santiago Velázquez, Oficial Servicios de Vivienda II

Participantes: Miembros de la Junta de Participantes

El Comité para hacer el Plan Anual se reunió el 14 de enero de 2010. Al mismo asistieron todos los participantes. El Sr. John Santiago discutió el Plan y todos los participantes estuvieron de acuerdo, por lo tanto se sometió el mismo.

Certificado por:

  
John Santiago Velázquez

mor

Anejo: Hoja de Asistencia



Estado Libre Asociado de Puerto Rico  
GOBIERNO MUNICIPAL DE MOCA

*Oficina de Programas Federales - Sección 8*  
P. O. BOX 1571 MOCA, PR 00676 • Tel. 877-6040 / 877-6000

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## INSTITUCION DE LA JUNTA DE PARTICIPANTES

18 de diciembre de 2009

### RESUMEN DE ACTIVIDAD

De acuerdo al 24 CFR 903.13 y 24 CFR 903.17 se contactaron a varias familias participantes de Sección 8 para instituir la Junta de Participantes con fin de revisar y opinar sobre el Plan Consolidado 2010-2015 y el Plan Anual correspondiente al año fiscal 2010-2011. La selección de los miembros se realizó tomando en consideración que éstos representarían a cada participante del Programa. Se atendió a las familias interesadas los días 16 al 18 de diciembre de 2009.

Durante su visita se discutieron los siguientes puntos:

- Propósito de la Junta de Participantes
- Deberes como miembros de la Junta de Participantes
- ¿Qué es el PHA Plan?

Las personas cuyos nombres y firmas aparecen en la Hoja de Asistencia adjunta son los que aceptaron formar parte de la Junta.

Se coordinó una próxima reunión para recolectar comentarios sobre el PHA Plan. La misma está pautada para el jueves, 14 de enero de 2010.

Certificado por:

John Santiago Velázquez  
Oficial de Servicios de Vivienda

mor

Anejo: Hoja de Asistencia



Estado Libre Asociado de Puerto Rico  
**MUNICIPIO AUTÓNOMO DE MOCA**  
**Oficina Programas Federales-Sección 8**  
Apartado 1571 Moca, PR 00676 Tel. (787) 877-6040

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**PRESENTACIÓN**  
**PHA PLAN 2010-2011**  
**PHA PLAN DE 5 AÑOS 2010-2015**

**26 de marzo de 2010**

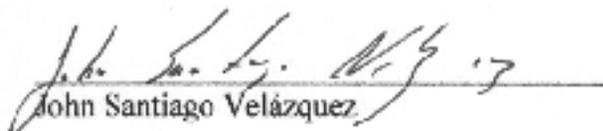
**MINUTA**

Presidiendo: John Santiago Velázquez, Oficial Servicio de Vivienda II

Participantes: María V. Oquendo Rivera, Oficial Servicios de Vivienda I, Miembros de la Junta de Participantes

La Vista Pública para recolectar comentarios y sugerencias sobre nuestro Plan Anual, fue anunciada el 18 de enero de 2010 en el periódico El Vocero. A pesar de nuestro intento, nadie respondió a nuestro Aviso. Por tanto, se procede a enviar el Plan Anual según fue preparado y presentado a la Junta de Participantes y a la Oficina de OCAM para que se nos emita la Certificación de Consistencia con el Plan Consolidado.

Certifico correcto:

  
John Santiago Velázquez

mór

Anejo: Hoja de Asistencia





**ORIENTACIÓN E INSTITUCIÓN  
DE LA JUNTA DE PARTICIPANTES (RAB)  
PLAN ANUAL Y PLAN DE CINCO AÑOS  
FY 2010-2015**

**HOJA DE ASISTENCIA**  
18 de diciembre de 2009

NOMBRE	FIRMA
Jeannette Barreto	Jeannette Barreto
Ericka Vallejo Pérez	Ericka Vallejo P.
Cynthia Acevedo Rivera	Cynthia Acevedo Rivera
Grisel Avilés Guzmán	Grisel Avilés Guzmán
Minerva Pérez	Minerva Pérez

