| PHA 5-Year and Annual Plan | U.S. Department of Housing and Urban Development<br>Office of Public and Indian Housing | OMB No. 2577-0226<br>Expires 4/30/2011 |
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**1.0 PHA Information**

PHA Name: **Municipality of Bayamón** PHA Code: **RQ011**

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

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

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

Number of PH units: _____ Number of HCV units: **2167**

**3.0 Submission Type**

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

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

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

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

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

**The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment to low income, very low income and extremely low income families.**

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

**Municipality of Bayamón Goal #1- Expand the supply of assisted housing**

- Specific Objectives:
  - Apply for additional voucher when available

**Municipality of Bayamón Goal #2- Improve the quality of assisted housing**

- Specific Objectives:
  - Increase customer satisfaction by enforcing the Housing Quality Standards
  - Concentrate on efforts to improve specific management functions by maintaining the PHA staff updated with policies and occupational trainings

**Municipality of Bayamón Goal #3- Increase assisted housing choices**

- Specific Objectives:
  - Provide voucher mobility counseling during the initial briefings and as required, tenants will be oriented about portability and mobility
  - Conduct outreach efforts to potential voucher landlords
  - When necessary increase voucher payment standards
  - Continue with the implement of the Housing Choice Voucher homeownership program

**Municipality of Bayamón Goal #4- Promote self-sufficiency and asset development of families and individuals**

- Specific Objectives:
  - Provide or attract supportive services to improve assistance recipients' employability
  - Make alliances with public (WIA) and private organizations to provide supportive educational services to tenants

**Municipality of Bayamón Goal #5- Ensure Equal Opportunity in Housing**

- Specific Objectives:
  - Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability including publishing notices indicating that housing vouchers are available 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 by offering referrals and briefings regarding housing and job opportunities and providing briefings and handouts regarding Fair Housing and Equal Opportunity

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| | ***PHA Progress in Meeting the Goals and Objectives Described in the 5-Year Plan for FY 2005-2010:***<br>During the past years, the municipality made progress toward accomplishing these objectives. Highlights of achievements are as follows:<br><br>• To expand the supply of assisted housing the municipality applied for additional rental vouchers by applying for: "Incremental Vouchers" Funding (NOFA) and "Family Unification". Vouchers were not approved.<br>• The inspector was trained in HQS to improve compliance with HUD requirements.<br>• Promoting the different Federal Programs available within the Municipality: All Wednesdays at 8:00 p.m. in the local Channel 3, the Municipality promotes all the services and programs that they operates/administers.<br>• To increase the availability of decent, safe and affordable housing, the municipality offer briefings and as required, tenants are oriented about the mobility and portability options of the voucher program.<br>• The Municipality developed a WEB based orientation for landlords. This new system will allow that landlord acquire knowledge about program requirement.<br>• Tenants and landlords were oriented in how to obtained an affordable house ("Affirmative Marketing")<br>• Payment standards were revised<br>• Promotes and operating the Homeownership option<br>• The Municipality of Bayamón administer Project Based units<br>• To improve community quality of life and economic vitality the municipality, through out Governmental Aid provided for transportation<br>• Aide was provided to help some citizens with their water and electricity payments<br>• The Municipality continues providing subsidy to the elderly housing project "Ciudad Dorada"<br>• To promote self-sufficiency and asset development of families and individuals, the municipality made agreements are with the State Labor and Human Resources Department<br>• Tenants were oriented about job training and placement opportunities in the municipality and referrals were made to designated agencies<br>• Equal opportunity was offered to all participants including persons with disabilities<br>• Equal opportunity handouts and other orientation material is available for participants (Including Complaints Procedures)<br>• Administer the FSS, HOME, Housing Rehabilitation, ESG and the Homeownership Programs<br>• Support to homeless and to prevent homelessness<br><br>***Sexual Offenders and VAWA Policies***<br>See Appendix 2 |
| **6.0** | **PHA Plan Update**<br><br>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:<br><br>**None**<br><br>(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.<br><br>**All documents related to the PHA plan will be available at:**<br><br>**Departamento de la Vivienda Municipal**<br>**Municipio de Bayamón**<br>**Carretera #2, Equina Carretera 174**<br>**Marginal Residencial Virgilio Dávila**<br>**Bayamon, Puerto Rico** |
| **7.0** | **Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.** *Include statements related to these programs as applicable.*<br><br>Homeownership Program- The PHA continues implementing the Program. During this program year the Municipality will continue combining HOME funds with homeownership. Approximately 6 cases are expected to be completed during this program year. The Municipality of Bayamón will not limit the participation to this Program. Those who qualified and fulfills the requirements, and if there are available funds, they are eligible to participate in the Program. The Municipality will undertake the following:<br>· Promote the Homeownership Option among the tenants using the internet.<br>· Maintain track on changes and updates on policies and regulations.<br><br>Project Based-The Municipality will continue to support project based initiatives including the existing Gallardo Apartments project. |
| **8.0** | **Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable.<br><br>**N/A** |
| **8.1** | **Capital Fund Program Annual Statement/Performance and Evaluation Report.** As part of the PHA 5-Year and Annual Plan, annually complete and submit **t**he *Capital Fund Program Annual Statement/Performance and Evaluation Report*, form HUD-50075.1, for each current and open CFP grant and CFFP financing.<br><br>**N/A** |

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| **8.2** | **Capital Fund Program Five-Year Action Plan.** As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan*, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.<br><br>**N/A** |
| **8.3** | **Capital Fund Financing Program (CFFP).**<br>☐ 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.<br><br>**N/A** |
| **9.0** | **Housing Needs**. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.<br><br>**See Appendix 1** |

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| **9.1** | **Strategy for Addressing Housing Needs**. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.**<br><br>**Identified Need #1: Shortage of affordable housing for all eligible populations**<br><br>• **Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:**<br>o Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required. ***The PHA will identify housing units based on the size needs of the families.***<br>o Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. ***The PHA will publish notices inviting owners to participate in the program. At least one orientation meeting will be conducted to inform potential landlords of leasing opportunities.***<br>o Participate in the Consolidated Plan development process to ensure coordination with broader community strategies. ***Assist to Consolidate Plan Public Hearing***<br><br>• **Strategy 2: Increase the number of affordable housing units by:**<br>o Apply for additional section 8 units should they become available<br><br>**Identified Need 2: Specific Family Types: Families at or below 30% of median**<br><br>• **Strategy 1: Target available assistance to families at or below 30 % of AMI**<br>o Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance<br><br>**Identified Need 3: Specific Family Types: The Elderly**<br><br>• **Strategy 1: Target available assistance to the elderly**<br>o Apply for special-purpose vouchers targeted to the elderly, should they become available<br><br>**Identified Need 4: Specific Family Types: Families with Disabilities**<br><br>• **Strategy 1: Target available assistance to Families with Disabilities**<br>o Apply for special-purpose vouchers targeted to families with disabilities, should they become available<br><br>**Identified Need 5: Specific Family Types: Races or ethnicities with disproportionate housing needs**<br><br>• **Strategy 1: Conduct activities to affirmatively further fair housing**<br>o Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units<br>o Market the section 8 program to owners outside of areas of poverty /minority concentrations<br><br>**Other Housing Needs & Strategies:**<br>o Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA<br>o Administrating the FSS, ESG and Homerownership Programs<br>o Establishing a Payment Standard between 90 and 100% FMR as established on the Administrative Plan.<br>o The PHA will maintain its admission preferences as established on the Administrative Plan. |

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| **10.0** | **Additional Information**. Describe the following, as well as any additional information HUD has requested.<br><br>(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.<br>**Please refer to Section 5.2 of this template.**<br><br>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"<br>**The PHA's will amend or modify its agency plan upon the occurrence of any of the following events, if and only if, the events are not included in the approved annual plan during the term of the approved plan, as it constitutes a significant amendment and substantial deviation/modification:**<br><br>• **Changes to rent or admissions policies or organization of waiting list;**<br>• **Any modification to the PHAs Mission Statement or any substantial modification to the Municipality's goals and objectives**<br><br>**An exception to this definition will be made if there are changes to the requirements of the Federal Regulation. Those changes will not be considered significant amendments.**<br><br>(c) VAWA and Sexual Offenders Policies<br>**See Appendix 2**<br><br>(d) Membership of the Resident Advisory Board or Boards<br>**See Appendix 3**<br><br>(e) Newspaper Ad Promoting and Announcing the Hearing Process<br>**See Appendix 4**<br><br>(f) List of Persons Assisting to the Public Hearing<br>**See Appendix 5**<br><br>(g) Form HUD-50077-CR: *Civil Rights Certification*<br>**See Appendix 6**<br><br>(h) Form HUD-50077-SL: *Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan*<br>**See Appendix 7** |

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| **11.0** | **Required Submission for HUD Field Office Review**. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office.<br><br>(a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights)<br>(b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only)<br>(c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only)<br>(d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only)<br>(e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only)<br>(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.<br>(g) Challenged Elements<br>(h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only)<br>(i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)<br><br>**See Appendix 8 (Only those that apply for this PHA)**<br>*(a) Form HUD-50077,*<br>*(b) Resident Advisory Board (RAB) comments.* |

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

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

# Instructions form HUD-50075

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

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

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

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

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

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

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

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

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

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

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

**PHA Plan Elements**. (24 CFR 903.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**8.2** **Capital Fund Program Five-Year Action Plan**

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

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

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

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

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

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

**(a) Progress in Meeting Mission and Goals. P**HAs 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) F**orm 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.

# Appendix 1: (Section 9.0) Housing Needs

| Housing Needs of Families on the PHA's Waiting Lists | | | |
|---|---|---|---|
| Waiting list type: (select one)<br>☒ Section 8 tenant-based assistance<br>☐ Public Housing<br>☐ Combined Section 8 and Public Housing<br>☐ Public Housing Site-Based or sub-jurisdictional waiting list (optional)<br>If used, identify which development/subjurisdiction: | | | |
| | # of families | % of total families | Annual Turnover |
| Waiting list total | ***415*** | | ***300*** |
| Extremely low income <=30% AMI | ***329*** | ***79*** | |
| Very low income (>30% but <=50% AMI) | ***69*** | ***17*** | |
| Low income (>50% but <80% AMI) | ***14*** | ***3*** | |
| Families with children | ***284*** | ***68*** | |
| Elderly families | ***13*** | ***3*** | |
| Families with Disabilities | ***17*** | ***4*** | |
| Race/ethnicity | ***HISPANIC*** | ***100*** | |
| Race/ethnicity | | | |
| Race/ethnicity | | | |
| | | | |
| Characteristics by Bedroom Size (Public Housing Only) | ***N/A*** | ***N/A*** | ***N/A*** |
| 1BR | | | |
| 2 BR | | | |
| 3 BR | | | |
| 4 BR | | | |
| 5 BR | | | |
| 5+ BR | | | |
| Is the waiting list closed (select one)? ☒ No ☐ Yes<br>**If yes**:<br>HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)?<br>Does the PHA expect to reopen the list in the PHA Plan year? ☐ No ☐ Yes<br>Does the PHA permit specific categories of families onto the waiting list, even if generally closed?<br>☐ No ☐ Yes | | | |

## ORGANIZATIONAL RELATIONSHIP BETWEEN THE MUNICIPALITY AND PUBLIC HOUSING AGENCY

The organizational relationship between the Municipality and the Puerto Rico Public Housing Authority (PRPHA) is one of coordination and cooperation. The PRPHA operates independently from the Municipality of Bayamón with regards to day-to-day operation.

Public housing projects and housing units within the territory of Bayamón are administered by private management agent. The administrator is responsible for maintenance and conservation of public spaces at each project, collection of the contracted rent, and counseling and training of residents. The City provides multiple support services to the private managers including trash collection, cleaning services, security among others.

The City government has historically provided the majority of basic public services to residents of Public Housing. Most of the services are provided on the premises of public housing developments, or at least in locations immediately accessible to residents of public housing.

### Residents

The majority of families living in public housing in Bayamón have extremely low incomes, and thus have no alternative to public housing. The private sector has not, and will not, be able to serve Bayamón's huge and growing housing needs for low-income families. This lack of decent, low-cost housing consigns hundreds of thousands to deplorable living conditions and crippling rents. Many blame the low-income residents for all of the problems facing public housing. The problems of public housing in Puerto Rico are largely the result of lack of adequate funding and, in some cases, of faulty State policies.

The greatest problem facing public housing is the feeling of powerlessness and alienation of residents toward the PHA, which is reflected against the apartments where they live. A principal cause of problems is the failure to provide residents with a meaningful degree of ownership, responsibility and control over the place in which they live. Power, responsibility, and control is in the hands of a governmental PHA that does not respond adequately to the resident needs .

People who rent market-rate housing have choices that are not available to residents of public housing. The management of private housing is accountable in the marketplace. On the one hand, if a private landlord allows physical or environmental conditions to deteriorate, tenants will move out. On the other hand, if tenants are not

responsible, management can either evict them or not renew the lease. There is a balance of power that works to ensure that conditions remain well. There is mutual accountability because both parties have the power to act based on their own best interests.

Residents of public housing, however, do not have the choice of moving out if the landlord does a bad job. It is a fact of life that there is virtually no economically feasible housing alternative for public housing residents. Residents have no "power of the purse" to exercise. The balance of power of the private market is replaced by an imbalance of power in which the landlord is not accountable before the tenant. The tenant is thus reduced to a ward of the landlord. As a result, the traditional, balanced landlord-tenant relationship is not present in public housing. The resident of public housing is completely dependent on the PHA for shelter.

Relationships between public housing residents, community residents and management are often strained. The majorities of public housing developments for families are old, and is often in need of major and expensive modernization.

Few, if any, State funds go to support public housing, and this is funded almost exclusively by the Federal government. Recent funding cuts intended to achieve a balanced Federal budget have brought about a significant reduction in federal funding for public housing.

As Congress cuts funds needed to operate and maintain public housing, older projects are literally on the verge of falling apart. The need for comprehensive modernization is critical, yet with the low rents that the PRPHA collect from their low-income tenants, revenues are never sufficient to fund the rehabilitation.

The solutions to the Public Housing Problems lie in the active involvement of citizens and the local government. During the 2006-2007 to 2010-2011 term, Bayamón will work with the PRPHA to develop more affordable housing units and homeownership opportunities that will help to improve the quality of life of the residents.

## HOUSING AND HOMELESS NEEDS ASSESSMENT

The purpose of this Housing and Homeless Needs Assessment is to provide an estimate of housing needs projected for 2011. Housing needs represent the human or "demand" side of the City's housing environment. Together with the following "Housing Market Analysis" section of the plan, a comprehensive analysis is put forth with the goal of guiding subsequent plans and policies. This Housing Needs Assessment begins with an analysis of affordability based on family incomes and an explanation of housing assistance, including eligibility criteria and the various housing programs available. The Needs Assessment then focuses on households in need of assistance and projections for the extremely low-income to moderate income population. Finally, specific housing problems, such as cost burden, substandard housing and overcrowding, are discussed.

The assessment is based on the 2000 U.S. Census data, The 2000 Comprehensive Housing Affordability Strategy CHAS Databook as provided by HUD, Puerto Rico Planning Board data, local studies and other reliable sources.

## LOW TO MODERATE HOUSEHOLDS DEFINED

Affordability is defined as gross housing expenses less than or equal to 30 percent of a household's gross income. Four income levels are considered in this assessment, three of which need housing assistance: extremely low-income, low-income, moderate income and middle-income. The respective income levels as percent of area median are depicted on the tables below. The first table provides the Census 2000 low to moderate income limits for the San Juan MSA based on a four-person household, updated to reflect the HUD CDBG eligible areas for FY2006. The second table provides the 2006 HUD income limits for the San Juan Area.

| Low To Moderate Income Limits for San Juan MSA with | | |
|---|---|---|
| **Income Level** | **Area's Median Family Income (%)** | **Area's Median Family Income (%)** |
| Extremely Low-Income | Below 30 Percent | $9,475 |
| Low-Income | Between 31 and 50 Percent | $15,750 |
| Moderate Income | Between 51 and 80 Percent | $25,225 |

| HUD HOME Adjusted Program Income Limits 2006: San Juan MSA | | | |
|---|---|---|---|
| | **30% Median** | **Very Low Income** | **Low Income** |
| 1 Person | 6,350 | 10,600 | 17,000 |
| 2 Persons | 7,300 | 12,100 | 19,400 |
| 3 Persons | 8,200 | 13,650 | 21,850 |
| 4 Persons | 9,100 | 15,150 | 24,250 |
| 5 Persons | 9,850 | 16,350 | 26,200 |
| 6 Persons | 10,550 | 17,550 | 28,150 |
| 7 Persons | 11,300 | 18,800 | 30,050 |
| 8 Persons | 12,000 | 20,000 | 32,000 |

The 80 percent of median income figure is a traditional measure of eligibility for programmatic housing assistance. For example, all beneficiaries of the federal public housing programs, such as the Low-Income Housing Tax Credit and, in most cases, Section 8 Housing Vouchers, and federal HOME program must have incomes below this amount. It should be noted that low-income households are likely to have a large portion of their income taken up by housing costs. This limits these households' ability to afford other necessities.

Households with incomes above 80 percent, considered middle-income, do not qualify for housing assistance programs.

## ESTIMATED HOUSING NEEDS 2006-2011

To determine the housing needs in the Municipality, a formula was used that considered occupied units without complete plumbing facilities, occupied units without complete kitchen facilities, data supplied by the Municipal Department of Housing and Community Development, and an assessment of housing units located in flood-prone areas.

The formula used is as follows:

HN00 = OUWCP+OUWKF + UFPA100

Where:

HN05 = Housing Needs for 2006
OUWCP = Occupied units without complete plumbing facilities
OUWKF = Occupied units without complete kitchen facilities
UFPA100 = Unit located in 100 year Flood Prone Areas

| *Census Variable* | *Number of units* |
|---|---|
| **Occupied units without complete plumbing facilities** | 1,294 |
| Occupied units without complete kitchen facilities | 424 |
| Unit located in 100 year Flood Prone Areas 2005 | 3,875 |
| ***Total*** | **5,593** |

According to the formula, there is a need for 5,593 housing units.

It is understood that the estimate of the number of households of the Municipality of Bayamón will increase from the year 2006 to the year 2011 in approximately 4,720 households. These new households created in the period 2006 to 2011 in addition to the 5,759 households residing in inadequate housing in the year 2005, constitute for the calculation, the combination of the population in need of housing for 2011.

## CATEGORIES OF PERSONS AFFECTED

This section presents an estimate of the families in need of housing for extremely low income, low income, moderate income, middle income, renters and owners, elderly persons, single persons, large families, persons with HIV/AIDS and their families, and persons with disabilities. Because of the homogeneous ethnicity of Puerto Ricans, racial data is not collected and thus has not been taken into consideration for the purposes of this Plan. Also identified in this section are the definitions of "standard condition" and "substandard condition but suitable for rehabilitation". In order to provide for a better understanding of the data presented, these definitions are presented at the beginning, rather than at the end, of the section.

The Census Bureau categorized the housing conditions as Sound, Deteriorating, Dilapidated, and Inadequate Original Construction. These categories are defined as follows:

1. Sound: having no defects or only slight defects of a type normally corrected in the course of regular maintenance. These defects do not affect the weather tightness of the living quarters nor do they endanger the safety or health of the occupants.

2. Deteriorating: has intermediate defects that require fixing beyond the scope of routine maintenance. Intermediate defects indicate a need for fixing so that the rooms can continue to provide adequate protection.

3. Dilapidated: no longer provides safe and adequate shelter. It has one or more critical defects, such as broken or missing materials over a large area of the foundation, exterior walls, roof, floors, etc.

4. Inadequate Original Construction: unit is built largely of makeshift of scrap materials, or has no foundation with walls resting directly on the ground, or has a dirt floor. Also shacks, huts, sheds, tents, and similar buildings unsuitable for residential use, but used as a place of residence.

For the purposes of this Plan and in conformity with 24 CFR Part 91, Standard Condition is equivalent to units that sound; Substandard Condition but Suitable for Rehabilitation is equivalent to deteriorating and/or dilapidated and Substandard Condition is equivalent to inadequate original construction.

### Needs and Characteristics of owner and renter households of extremely low-income, low-income, moderate-income, and middle-income families.

The following tables, based on the 2000 CHAS Data Book, shows the basic family composition of owner and renter households of extremely low-income, low-income, moderate-income, and middle-income families. In terms of

owners the elderly are identified separately from "all other families". For renter households, the households are divided into elderly, "small related" and "large related" families, and "all other families".

### Extremely low income households

Extremely low-income households have incomes at or below 30 percent of the area median. The CHAS data show that almost 18.85 percent of all households are in the extremely low-income category. Extremely low-income households represent 25.76percent of households in need of housing assistance. Of the 613,875 extremely low-income households, 49.79 percent are renters and 51.21 percent are owners. The majority of the extremely low-income households are "small related" (two to four persons).

### Low-Income

Low-income households have incomes between 30 and 50 percent of the area median. The CHAS data show that 13.404 percent of all households will be in the low-income category. Low-income households will represent 18.35 percent of households in need of housing assistance. Of the 9,866 low-income households, only 33.86 percent are renters and 66.14 percent are owners. The majority of low-income households are "small related" (two to four persons).

### Moderate-Income

Moderate-income households have incomes between 50 and 80 percent of area median. The CHAS data show that 17.41% percent of all households are in the moderate-income category. Moderate-income households represent 20.87 percent of households in need of housing assistance. Of the 12,820 moderate-income households, 26.34.5 percent are renters and 73.66 percent are owners. The majority of moderate-income households are "small related"(two to four persons).

### Middle-income

Middle-income households have incomes above 80 percent of the area median. The CHAS data show that 50.32% percent of all households are in the middle-income category. Middle-income households represent 16 percent of households in need of housing assistance. Of the 11,779 middle-income households, only 16.22 percent are renters and 83.78 percent are owners. The majority of middle-income households are "small related" (two to four persons).

## Renters Characteristics all groups

As to renter households, most definitely the "large related" families stand out with 74% of the families with housing problems, followed by the small related with 45.2% and "elderly" with 39.4%. The Municipality shall promote rental housing rehabilitation programs to improve the housing condition of the renters.

| Household by Type, Income, & Housing Problem | Elderly (1 & 2 members) | Small Related (2 to 4 members) | Large Related (5 or more members) | All Other | Total Renters |
|---|---|---|---|---|---|
| **1. Household Income <= 50% MFI** | 1,999 | 5,385 | 1,734 | 1,132 | 10,250 |
| **2. Household Income <=30% MFI** | 1,236 | 3,530 | 1,255 | 888 | 6,909 |
| **3. % with any housing problems** | 41.3 | 57.1 | 76.9 | 41.4 | 55.9 |
| **4. % Cost Burden >30%** | 37.8 | 46 | 40.6 | 38.7 | 42.6 |
| **5. % Cost Burden >50%** | 28.2 | 39.5 | 30.7 | 34.9 | 35.3 |
| **6. Household Income >30 to <=50% MFI** | 763 | 1,855 | 479 | 244 | 3,341 |
| **7. % with any housing problems** | 42.3 | 60.4 | 89.6 | 61.1 | 60.5 |
| **8. % Cost Burden >30%** | 37.9 | 47.2 | 43.6 | 61.1 | 45.6 |
| **9. % Cost Burden >50%** | 24.1 | 26.4 | 21.7 | 47.1 | 26.7 |
| **10. Household Income >50 to <=80% MFI** | 392 | 1,820 | 570 | 595 | 3,377 |
| **11.% with any housing problems** | 47.7 | 51.1 | 70.2 | 46.2 | 53.1 |
| **12.% Cost Burden >30%** | 43.1 | 35.2 | 32.5 | 42.9 | 37 |
| **13. % Cost Burden >50%** | 15.1 | 9.3 | 2.6 | 7.6 | 8.6 |
| **14. Household Income >80% MFI** | 398 | 3,825 | 713 | 1,075 | 6,011 |
| **15.% with any housing problems** | 19.6 | 24.2 | 61.4 | 18.1 | 27.2 |
| **16.% Cost Burden >30%** | 9.8 | 8.8 | 10.9 | 11.6 | 9.6 |
| **17. % Cost Burden >50%** | 0 | 0.9 | 0.6 | 0 | 0.6 |
| **18. Total Households** | 2,789 | 11,030 | 3,017 | 2,802 | 19,638 |
| **19. % with any housing problems** | 39.4 | 45.2 | 74 | 35.2 | 47.4 |
| **20. % Cost Burden >30** | 34.6 | 31.5 | 32.5 | 31.2 | 32.1 |
| **21. % Cost Burden >50** | 21.2 | 18.9 | 16.8 | 16.8 | 18.6 |

In order to develop homeownership opportunities the city shall focus in two income groups the low income and the moderate income households. Each of these groups required different homeownership approaches due to differences in mortgage payment capability and credit profile.

## Owners Characteristics all groups

As to owner occupied households, most definitely the "large related" families stand out with 61.2% of the families with housing problems, followed by "all others" with 48.5% and the "elderly" with 41.7%.

| Household by Type, Income, & Housing Problem | Elderly (1 & 2 members) | Small Related (2 to 4 members) | Large Related (5 or more members) | All Other | Total Owners |
|---|---|---|---|---|---|
| **1. Household Income <= 50% MFI** | 5,483 | 5,119 | 1,578 | 1,311 | 13,491 |
| **2. Household Income <=30% MFI** | 2,934 | 2,429 | 710 | 893 | 6,966 |
| **3. % with any housing problems** | 66.3 | 73.4 | 82.4 | 57.4 | 69.3 |
| **4. % Cost Burden >30%** | 64.9 | 66.7 | 71.1 | 57 | 65.1 |
| **5. % Cost Burden >50%** | 50.3 | 56.6 | 58.5 | 49.8 | 53.3 |
| **6. Household Income >30 to <=50% MFI** | 2,549 | 2,690 | 868 | 418 | 6,525 |
| **7. % with any housing problems** | 54.5 | 67.8 | 78.2 | 65.3 | 63.8 |
| **8. % Cost Burden >30%** | 53.1 | 61.3 | 60.5 | 64.4 | 58.2 |
| **9. % Cost Burden >50%** | 38.8 | 44.4 | 39.2 | 46.4 | 41.7 |
| **10. Household Income >50 to <=80% MFI** | 3,115 | 4,329 | 1,199 | 800 | 9,443 |
| **11.% with any housing problems** | 41.3 | 59 | 76.2 | 61.9 | 55.6 |
| **12.% Cost Burden >30%** | 40.8 | 51 | 43.7 | 61.9 | 47.6 |
| **13. % Cost Burden >50%** | 23 | 24.7 | 14.2 | 39.4 | 24 |
| **14. Household Income >80% MFI** | 4,706 | 19,125 | 5,139 | 2,063 | 31,033 |
| **15.% with any housing problems** | 19.9 | 30.3 | 51.9 | 36 | 32.7 |
| **16.% Cost Burden >30%** | 19 | 18.8 | 14.4 | 35.6 | 19.2 |
| **17. % Cost Burden >50%** | 4 | 4.1 | 1.4 | 7.5 | 3.8 |
| **18. Total Households** | 13,304 | 28,573 | 7,916 | 4,174 | 53,967 |
| **19. % with any housing problems** | 41.7 | 41.8 | 61.2 | 48.5 | 45.2 |
| **20. % Cost Burden >30** | 40.7 | 31.7 | 29 | 48.1 | 34.8 |
| **21. % Cost Burden >50** | 25.3 | 15.5 | 12.6 | 26.6 | 18.3 |

Housing rehabilitation activities should be focuses of families with most need. Taking in consideration CHAS data all groups should be considered of high priority.

## Needs and Characteristics of owner and renter households with impediments of extremely low-income, low-income, moderate-income, and middle-income families.

The following tables, based on the 2000 CHAS Data Book, shows the basic family composition of owner and renter households with impediments of extremely low-income, low-income, moderate-income, and middle-income families. CHAS data uses the following definitions for Mobility & Self-Care data:

- Extra Elderly: 1 or 2 Member households, either person 75 years or older
- Elderly: 1 or 2 Member Households, either person 62 to 74 years
- Mobility or Self Care Limitations: This includes all households where one or more persons has 1) a long-lasting condition that substantially limits one or more basic physical activity, such as walking, climbing stairs, reaching, lifting, or carrying and/or 2) a physical, mental, or emotional condition lasting more than 6 months that creates difficulty with dressing, bathing, or getting around inside the home.

**Renter Households with Disability**

| Housing Problem | Extra Elderly 1 & 2 Member Households | Elderly 1 & 2 Member Households | All Other Households | Total Renters |
|---|---|---|---|---|
| **1. Household Income <=50% MFI** | 535 | 420 | 1,535 | 2,490 |
| **2. Household Income <=30% MFI** | 360 | 235 | 1,015 | 1,610 |
| **% with any housing problems** | 30.6 | 51.1 | 59.6 | 51.9 |
| **3. Household Income >30 to <=50% MFI** | 175 | 185 | 520 | 880 |
| **% with any housing problems** | 37.1 | 51.4 | 68.3 | 58.5 |
| **4. Household Income >50 to <=80% MFI** | 95 | 95 | 465 | 655 |
| **% with any housing problems** | 57.9 | 31.6 | 49.5 | 48.1 |
| **5. Household Income >80% MFI** | 80 | 70 | 565 | 715 |
| **% with any housing problems** | 18.8 | 28.6 | 37.2 | 34.3 |
| **6. Total Households** | 710 | 585 | 2,565 | 3,860 |
| **% with any housing problems** | 34.5 | 45.3 | 54.6 | 49.5 |

**Owner Households with Disability**

| Household by Type, Income, & Housing Problem | Extra Elderly 1 & 2 Member Households | Elderly 1 & 2 Member Households | All Other Households | Total Owners |
|---|---|---|---|---|
| | | | | |
| **1. Household Income <=50% MFI** | 1,245 | 1,345 | 2,210 | 4,800 |
| **2. Household Income <=30% MFI** | 680 | 715 | 1,045 | 2,440 |
| **% with any housing problems** | 66.2 | 67.8 | 78.5 | 71.9 |
| **3. Household Income >30 to <=50% MFI** | 565 | 630 | 1,165 | 2,360 |
| **% with any housing problems** | 53.1 | 61.1 | 74.7 | 65.9 |
| **4. Household Income >50 to <=80% MFI** | 680 | 815 | 1,775 | 3,270 |
| **% with any housing problems** | 40.4 | 44.2 | 56.6 | 50.2 |
| **5. Household Income >80% MFI** | 635 | 889 | 5,125 | 6,649 |
| **% with any housing problems** | 14.2 | 21.3 | 36.4 | 32.2 |
| **6. Total Households** | 2,560 | 3,049 | 9,110 | 14,719 |
| **% with any housing problems** | 43.6 | 46.5 | 50.1 | 48.2 |

## Extremely low income households with impediments

The CHAS data show that almost 21.79 percent of all households with impediments are in the extremely low-income category. Extremely low-income households with impediments and with housing problems represent 28.76 percent of households in need of housing assistance. Of the 4,050 extremely low-income households with impediments, 39.75 percent are renters and 60.25 percent are owners. The majority of the extremely low-income households are "all others".

## Low-Income households with impediments

The CHAS data show that 17.43 percent of all households with impediments will be in the low-income category. Low-income households with impediments and with housing problems represent 22.97 percent of households in need of housing assistance. Of the 3,240 low-income households with impediments, only 27.16 percent are renters and 72.84 percent are owners. The majority of low-income households with impediments are "all others".

## Moderate-Income with impediments

The CHAS data show that 21.11% percent of all households with impediments are in the moderate-income category. Moderate-income households with impediments and with housing problems represent 21.69 percent of households in need of housing assistance. Of the 3,925 moderate-income households with impediments, 16.68 percent are renters and 83.32 percent are owners. The majority of moderate-income households with impediments are "all others".

## Middle-income with impediments

The CHAS data show that 39.63% percent of all households with impediments are in the middle-income category. Middle-income households with impediments and with housing problems represent 26.47 percent of households in need of housing assistance. Of the 7,364 middle-income households, 9.7 percent are renters and 90.3 percent are owners. The majority of middle-income households are "all others".

## Cost Burden Households

Cost-burdened households are defined as those spending more than 30 percent of their household incomes on housing costs, including utilities. In 2000, 34.1 percent of all households were cost-burdened in the Municipality of Bayamón. A total of 25,099 households were spending more than 30 percent of their household incomes on housing. That proportion is estimated to remain constant to 2010 when over 26,703 households are predicted to be cost-burdened.

CHAS data shows that 74.8 percent of cost-burdened households are owners and 25.2 percents renters. The largest group are the "small related" with 12,532 households, followed by the "elderly" with 6,379, the "large related" with 3,276, and the "large related" with 2,881 households. In terms of household income, CHAS data show that 53.9% of the extremely low income households and the low income, and 44.8% of the moderate income are cost-burdened.

## Severely Cost Burden Households

Severely cost-burdened households are defined as those spending more than 50 percent of their household incomes on housing costs, including utilities. In 2000, 18.4 percent of households were severely cost-burdened in Municipality. A total of 13,543 households were spending more than 50 percent of their household incomes on housing.

CHAS data shows that 72.92 percent of severely cost-burdened households are owners and 27.08 percents are renters. The largest group are the "small related" with 6,513 households, followed by the "elderly" with 3,957, "all others" with 1,581, and the "large related" with 1,504 households

## Overcrowding

There is a significant amount of information that can be extracted from the 2000 census(SF3) concerning "crowding" (defined as housing units with 1.01 or more persons per room). While such variables as the presence or absence of plumbing and kitchen facilities give indication as to the physical condition of housing, crowding reflects both a physical dimension (i.e., the size of the household) and a social dimension. The nature of social relationships within a household, for example, are frequently a function of the amount of space that is available and how it is put to use. While the roots of causation can be debated, crowded, substandard, low-income households have a tendency to generate more negative behaviors or outcomes than those that are characterized by the opposite set of attributes.

In 2000, nearly 10,846 (or 13.64 percent) of the Municipality's occupied-housing units were classified as "crowded".

## Crowded and Lacking Complete Plumbing

Crowded households lacking complete plumbing have the greatest needs. It can be concluded that most residents of these units are of lower income and, therefore, that the majority are below the poverty level.

In 2000 there were approximately 1,294 housing units that were both crowded and lacking complete plumbing.

## Substandard housing conditions

Due to changes in the census tabulation for Puerto Rico it is impossible to determine the number of unit that are substandard based on the definition included in this section (the categories of sound, deteriorating, and dilapidated were eliminated for 2000). Although substandard housing specific data is not available we will assume that units with problems as defined by CHAS data are substandard. Taking in consideration that definition we can conclude that 33,711 housing units in the municipality are considered Substandard (inadequate).

**Table 2A**
**Priority Housing Needs/Investment Plan Table**

| PRIORITY HOUSING NEEDS (households) | | Priority | | UNMET Need | MULTIYR GOALS | Annual Goals |
|---|---|---|---|---|---|---|
| Renter | Small Related | 0-30% | High | 2,015 | 60 | 12 |
| | | 31-50% | High | 1,120 | - | - |
| | | 51-80% | High | 930 | - | - |
| | Large Related | 0-30% | High | 965 | 1,375 | 275 |
| | | 31-50% | High | 429 | - | - |
| | | 51-80% | High | 400 | - | - |
| | Elderly | 0-30% | High | 510 | 65 | 13 |
| | | 31-50% | High | 322 | - | - |
| | | 51-80% | High | 186 | - | - |
| | All Other | 0-30% | High | 367 | - | - |
| | | 31-50% | High | 149 | - | - |
| | | 51-80% | High | 274 | - | - |
| Owner | | 0-30% | High | 4,826 | 850 | 170 |
| | | 31-50% | High | 4,165 | - | - |
| | | 51-80% | High | 495 | - | - |
| Special Needs | | 0-80% | High | 500 | - | - |
| Total Goals | | | | | 2,350 | 470 |
| | | | | | | |
| Total 215 Goals | | | | | 1,600 | 320 |
| Total 215 Renter Goals | | | | | 1,500 | 300 |
| Total 215 Owner Goals | | | | | 100 | 20 |

Although need priority is based on the analysis of data available other factors determine if the households will receive assistance. Among the factors that determine the receiving of assistance are:

| Rehabilitation Programs | Homeownership Programs | Rental Programs |
|---|---|---|
| • Condition of the Units<br>• Availability of Funds<br>• Waiting list order<br>• Urgent need | • Income determination<br>• Credit History<br>• Waiting list order<br>• Availability of units | • Waiting list order<br>• Preferences<br>• Size of the households |

Appendix 2: (Section 10.0 (c)) VAWA AND SEXUAL OFFENDERS

## VAWA Compliance

The Violence Against Women Act (VAWA) Amendments of 2005, requires the Municipality of Bayamón to describe any goals, objectives, policies or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault or stalking. (Sec. 603).

- The Municipality of Bayamón supports the goals of the VAWA Amendments and will comply with its requirements.
- The Municipality of Bayamón will continue to administer its housing programs in ways that support and protect residents (including Section 8 Housing Choice Voucher program participants) and applicants who may be victims of domestic violence, dating violence, sexual assault or stalking.
- The Municipality of Bayamón will not take any adverse action against a resident/participant or applicant solely on the basis of her or his being a victim of such criminal activity, including threats of such activity. "Adverse action" in this context includes denial or termination of housing assistance.
- The Municipality of Bayamón will not subject a victim of domestic violence, dating violence, sexual assault or stalking to a more demanding standard for lease compliance than other residents.
- The Municipality of Bayamón will develop policies and procedures as needed to implement the requirements of VAWA.

## Sexual Offenders

The Municipality will modify its administrative plan to include the following policies:

Sex Related Criminal Activity

Anyone 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 to he Housing Choice Voucher Program. In addition if any member of the family is convicted for a sexual offense assistance will be terminated immediately.

## Description of Activities, Services, or Programs Provided or Offered to:

### (a) Serve Victims (child or adult)

To serve child or adult victims of domestic violence, dating violence, sexual assault, or stalking, the PHA has the Office for Support to the Citizen (Oficina de Ayuda al Ciudadano), which is a dependency appointed by the Mayors' Office to provide the citizens of bayamón with services for social comfort. This office consists of by the Program for Support to the Citizen (Programa de Ayuda al Ciudadano), Woman Affairs Program (Asuntos de la Mujer) and the Program for Services to People with Disabilities (Servicios a Personas con Impedimentos). These programs provide counseling services and support for people with special needs, residents of Bayamón.

The Woman Affairs Program (Asuntos de la Mujer) has the primarily responsibility of providing the women residents of Bayamón, who considered that are been victims of their consensual couple, husband and/or ex-husband, with briefing and counseling services.

As part of its services, the Woman Affairs Program shall realize an initial interview in which, in conjunction with the petitioner, analyze the case and determines the action plan, addressed to work with those areas to be determined as in risk. During the brief, the petitioner is assessed about her rights and the different laws which protect her. A well oriented and informed woman can make assertive decision to enhance her life quality. Domestic violence must be stopped. It is a responsibility of all.

Services:

•Initial interview
•Case management
•Individual treatment plan
•Briefings
•Counseling
•Referrals to municipal and state agencies
•Case discussion in court
•Reallocations outside Puerto Rico through out the Traveler Aide Program (Programa de Ayuda al Viajero)
•Placement in shelters
•Educative speech to the community about domestic violence
•Coordination with the Puerto Rico's Police Department's specialized unit (domestic violence)
•Legal counseling
•Legal advice
•Alimony
•Custody and guardianship
•Filial paternal relationships
•Psychological services coordination

## (b) Obtain or Maintain Housing

The PHA's Municipal Housing Department (Departamento de Vivienda Municipal) with the purpose of providing affordable decent, safe, and sanitary housing to the citizens of bayamón, administers the following programs:

1. Section 8 Program
    a. Housing Choice Voucher Program
    b. Family Self Sufficiency (FSS) Program
    c. Homeownership Program
    d. HOPWA Program

2. C.D.B.G. Programs
    a. Housing rehabilitation

3. HOME Program
    a. Own home acquisition (Hogar Propio)
    b. Rehabilitation by the owner
    c. Housing new construction

4. Others
    a. Homeless Prevention & Rapid Re-housing Program (HPRP)

## (c) Prevent VAWA or to Enhance Victim Safety in Assisted Families

To prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families, the PHA provides a variety of services which include briefings, workshops and educative speeches to the community about domestic violence, among others. These services are provided primarily through out the Program for Support to the Citizen

(Programa de Ayuda al Ciudadano), Woman Affairs Program (Asuntos de la Mujer) and the Program for Services to People with Disabilities (Servicios a Personas con Impedimentos).

Also, the PHA brief Section 8 Tenants and Landlords regarding VAWA, and as deem necessarily (or requested) referrals are made to the pertinent agencies.

Through the Recreational & Sport Department, VAWA is prevented by:

- Developing plans addressed to promote the wealth of youth, by taking them out of the streets
- Developing programs which enhance the life quality of the residents of bayamón, promoting the practice of all sport types

# Appendix 3: (Section 10.0 (d)) Additional Information.

## Membership of the Resident Advisory Board (RAB)

*In the PHA (Municipality of Bayamón) the Mayor is the Executive Director (Section 8 – HCV - Program). Governing Board is for Public Housing. In Tenant Based (Section 8 - HCV) there is, instead, a Participants Advisory Board. The Official in charged for designating the Participants Advisory Board is the Section 8 (HCV), Federal Affairs or Housing Department Director or Coordinator. In the Municipality of Bayamón, Mrs. Alexis Ellis is the Housing Department Director.*

***The Participant Advisory Board's members for the PHA are:***

1. Lucy Fonseca Rievra
2. Eileen Fuentes
3. Hiram Rolón Rivera
4. Sol María Arce

***Attached next are:***

- List of Persons Assisting the Meeting to Designate the Participant the Participant (Resident) Advisory Board (RAB) and to Revise the Plan Draft
- A picture of the RAB

## ASISTENCIA PLAN ANUAL PROGRAMA SECCIÓN 8

1. Lucy Fonseca Rivera 122V
2. Eileen Fuentes 307 VFSS
3. Hiram Colon Rivera 1169 UCV
4. Sol Maria Arce 858 CV
5. 
6. 
7. 
8. 
9. 
10. 
11. 
12. 
13. 
14. 
15.

# Appendix 4: (Section 10.0 (e)) Newspaper Ad Promoting and Announcing the Hearing Process



# A presidir Servicios Legales de EE.U.U.

De padres puertorriqueños y nacido y criado en Nueva York, Víctor Fortuño dirige la Corporación desde el 1 de enero.

**Melissa Correa Velázquez**
*EL VOCERO*

El sueño que no pudo cumplir su abuelita de poder convertirse en abogada, ya que tuvo que dejar la escuela para ayudar a criar a sus hermanos, motivó a Víctor Fortuño a estudiar derecho y ejercer con éxito la práctica de la abogacía, lo que lo llevó a presidir interinamente la Corporación de Servicios Legales de Estados Unidos (LSC, por sus siglas en inglés).

Fortuño, de padres puertorriqueños y nacido y criado en el barrio Hell's Kitchen de Nueva York, fue nombrado por la Junta de Directores el pasado 22 de diciembre como Presidente de la LSC, la cual dirige desde el 1 de enero.

"Quería ser arquitecto y fue cuando estuve en la universidad en segundo año que decidí que aunque quería mucho ser un arquitecto no sabía si lo podía hacer porque no tenía el talento artístico y me puse a pensar, bueno en que entonces, mi abuelita siempre quiso ser abogada y ella me hablaba de esto. Ella tuvo que dejar la escuela para ayudar a criar a sus hermanos, porque mi bisabuela era viuda, pero siempre le dio pena que no pudo acabar los estudios. Y eso me hizo pensar en el derecho como una carrera. Me aceptaron en todas las escuelas que solicité y pensé que era una señal", relató Fortuño.

Fortuño, de familia ponceña, obtuvo un bachillerato en el 1974 y su juris doctor en el 1977 de la Universidad de Columbia. Pasó su primer año como abogado en la Oficina de Servicios Legales Comunitarios en Filadelfia. Posteriormente, fue nombrado fiscal en la ciudad y condado de Filadelfia, en donde laboró por cinco años. En esta oficina litigó casos de crimen organizado.

En el 1983 comenzó a trabajar en la Oficina del Cumplimiento y Revisión de la LSC, la que luego pasó a dirigir. Luego, fue designado Asistente General, Abogado "Senior" de Litigio y Consejero General.

"Nosotros recibimos anualmente del Congreso como $400 y pico de millones y lo usamos la mayor parte para darle ese dinero al programa de Servicios Legales por todo el país para los casos civiles. Como violencia en familia, seguro social, etc.", expresó.

Agregó que "vine aquí a trabajar con la Corporación, luchando a ver si se consigue más dinero para ayudar los programas que se necesitan tanto. El sistema judicial sufriría si no hubiesen abogados que ayudan a personas que no tienen los recursos para pagar abogados. En Washington hay abogados privados que ganan $300 ó $400 la hora, conozco que ganan $1,000 por hora".

Afirmó que aunque la práctica de la abogacía puede ser lucrativa, para él es una vocación y que sobre todo le satisface poder prestar servicios a personas de escasos recursos económicos.

"El dinero no es lo que me dio el deseo de ser abogado. Me siento mejor haciendo lo que hago aquí que estar en un bufete representando corporaciones y sí ayudando a la gente que más lo necesita", apuntó.

VÍCTOR FORTUÑO
Suministrada

Indicó que muchos clientes de la Corporación pertenecen a las minorías, entre estos los latinos.

"A mí me criaron mis abuelos y lo que hablaban en la casa era español y un poco de inglés. Ellos sufrieron porque eran pobres y no tenían lo suficiente para una nueva vida en Nueva York. Así que ahora que tengo la oportunidad de ayudar me siento satisfecho", acotó.

Asegura sentirse puertorriqueño y que cuando se le pregunta sobre su origen responde que es boricua.

"Me siento puertorriqueño definitivamente. Mi padre vive en Ponce y hablo con él todos los fines de semana. El tenía la imprenta Quiñones y quería que mi hermano o yo nos hiciéramos cargo del negocio, pero ya teníamos nuestras vidas y carreras, pero mi hermanita que trabajó con mi papá y conoce el negocio ahora tiene la imprenta con su esposo", dijo.

Comentó que su madre, quien reside en Orlando, Florida, le envía pasteles.

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Departamento de Desarrollo Económico y Comercio
Administración de Asuntos Energéticos

**ORIENTACION A DISTRIBUIDORES Y SUPLIDORES DE PRODUCTOS ENERGY STAR® SOBRE PROGRAMA DE "REBATES"**

La Administración de Asuntos Energéticos está desarrollando el programa *State Energy Efficient Appliance Rebate Program (SEEARP)* del Departamento de Energía de los Estados Unidos con fondos del *American Recovery and Reinvestment Act, (ARRA).*

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Para información adicional puede comunicarse al (787) 999-2200 extensiones 2886, 2887 o 2873

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OFICINA PLANIFICACION
P.O. BOX 2988
BAYAMON, PUERTO RICO 00960

## AVISO PÚBLICO

El Departamento de Vivienda del Municipio de Bayamón ha preparado los Planes del programa de Sección 8 correspondientes al período 2010-2015 y el Plan Anual para el año Programa 2010. Los planes y todos los documentos asociados a este, están disponibles para ser examinados en las Oficinas Administrativas del Departamento de la Vivienda del Municipio de Bayamón, durante horas laborables a partir de la fecha de publicación de este anuncio.

Las personas interesadas en emitir comentarios sobre los Planes, los podrán presentar personalmente o por escrito en la **Oficina de Sección 8**, localizada en:

**Dirección Física:** **Departamento de la Vivienda Municipal**
**Carretera #2, Esquina Carr. 174**
**Marginal Residencial Virgilio Dávila**
**Bayamón, Puerto Rico**

**Dirección Postal:** PO Box 2988
Bayamón, Puerto Rico 00960

El Municipio de Bayamón invita a la ciudadanía en general a participar de la vista pública donde se discutirá el documento propuesta y que se llevará a cabo en:

VISTA PUBLICA
**Plan de cinco (5) años del Programa Sección 8 del Municipio de Bayamón A efectuarse en el Salón de Actos del Departamento de Vivienda, Piso 2 El viernes 12 de marzo de 2010 a las 2:00 de la tarde.**

El lugar seleccionado es de fácil acceso para personas con impedimentos físicos. De requerir asistencia especial, debe comunicarse con el Programa de Sección 8, previo al día de la Vista, al siguiente teléfono (787) 786-1675, 740-4333

Les invita,

RAMÓN LUIS RIVERA, CRUZ
ALCALDE

Appendix 5: (Section 10.0 (f)) List of Persons Assisting to the Public Hearing

CIUDAD DE BAYAMÓN

# VISTA PUBLICA

Revisión del

PLAN DE 5 AÑOS / ANUAL

(PERIODO DE JULIO 1, 2010 A JUNIO 1, 2015)

PROGRAMA SECCION 8

EQUAL HOUSING OPPORTUNITY

Pagina 1

**MUNICIPIO DE BAYAMON**

***Hoja de Asistencia*** ***VP: 12 de marzo de 2010***

| NOMBRE: | FIRMA: |
|---|---|
| Hiram Rolon Rivera | |
| Teresa Brañas Ortega | |
| Sol M. Arce | |
| Eileen Fuentes | |
| Lucy Fonseca | |
| | |
| | |
| | |
| | |
| | |
| | |

Appendix 6: (Section 10.0 (g)) Civil Rights Certification: Annual Certification and Board Resolution

(Form HUD-50077-CR)

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

**Civil Rights Certification**

**Annual Certification and Board Resolution**

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

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

| MUNICIPALITY OF BAYAMON | RQ011 |
|---|---|
| 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<br>HON. RAMON LUIS RIVERA CRUZ | Title<br>MAYOR |
| Signature | Date MARCH 12, 2010 |

form **HUD-50077-CR** (1/2009)
OMB Approval No. 2577-0226

Appendix 7: (Section 10.0 (h)) Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan

(Form HUD-50077-SL)

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

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

I, Ramón Luis Rivera Cruz the Mayor certify that the Five Year and Annual PHA Plan of the Section 8 Program (RQ011) is consistent with the Consolidated Plan of the Municipality of Bayamón prepared pursuant to 24 CFR Part 91.

March 12, 2010

Signed / Dated by Appropriate State or Local Official

form **HUD-50077-SL** (1/2009)
OMB Approval No. 2577-0226

# APPENDIX 8: (Section 11.0) **Required Submission for HUD Field Office Review.**

The following documents are those that apply for Section 8 only.

(a) **Form HUD-50077**, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights)

| **PHA Certifications of Compliance with PHA Plans and Related Regulations** | **U.S. Department of Housing and Urban Development**<br>Office of Public and Indian Housing<br>**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* X *5-Year and/or* X *Annual PHA Plan for the PHA fiscal year beginning* July 1, 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 PIH Notice 2006-24);
   - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
   - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

Previous version is obsolete | Page 1 of 2 | form HUD-50077 (4/2008)

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 Bayamón | RQ011 |
|---|---|
| PHA Name | PHA Number/HA Code |

x 5-Year PHA Plan for Fiscal Years 20 10 - 20 15

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

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

| Name of Authorized Official | Title |
|---|---|
| HON. RAMON LUIS RIVERA CRUZ | MAYOR |
| Signature | Date |
| | MARCH 12, 2010 |

## (b) **Resident Advisory Board (RAB) comments.**

### 1- BEFORE PUBLIC HEARING:

On January 22, 2010 a meeting was held with the Participant (Resident) Advisory Board to revise the Plan Draft. Those that assisted were oriented regarding the role and responsibilities of the Participant Advisory Board, as per the 24CFR903.13, the Notice 2000-36 (HA) and HUD webpage.

Once the assistant were fully informed about the need of their active participation in the Section 8 Program, they were brief about the PHA Plans processes, which included the presentation of the last approved Plan and the 2010-2015 5yr/Annual Plan draft (*which will cover the 5 year period beginning July 1st, 2010 to June 30, 2015, and the annual period for 2010-2011*). The plan components were fully discussed in Spanish as well as all its Appendixes and Supporting Documents. Also they were informed about the availability of all the Section 8 Program documents and rules, for review not only during this process but at any time during working hours.

At the end of the presentation they were asked to bring comments and suggestion at any time during the process and at the Public Hearing, to be held on February. They were urged to bring before the Public Hearing, any additional matter or information they wanted or will liked to be provided during the Hearing, specially of those other initiatives and programs that the PHA have available, as well as of any component of the Plans.

The Plan draft was fully discussed and reviewed. Due to the fact that doubts were clarified, the Participants (Residents) Advisory Board endorsed the PHA Plans.

***Attached next are:***

- RAB's endorsement letter to the draft
- RAB's comments to the draft

PLANES PHAs 2010

MUNICIPIO DE Bayamón
Programa Sección 8

CERTIFICACION JUNTA DE PARTICIPANTES

El pasado 22 de Enero de 2010, la Junta de Participantes (RAB, por sus siglas en inglés) **revisó el borrador del Plan 2010** (forma HUD-50075). Una vez se les orientó y se revisó el Plan, determinaron:

____ que aprueban el borrador del Plan tal como se les presentó.

X que aprueban el borrador Plan, luego de que expresaron sus dudas y se les aclararon los siguientes puntos: (*Enumere*)

Ver hojas (4) adjuntas.

Certificamos lo anterior como correcto, hoy 22 de enero de 2010:

| Nombre: | Firma: |
|---|---|
| Lucy Fonseca Rivera. | Lucy Fonseca Rivera. |
| Eileen Fuentes Ríos | E. Fuentes |
| Hiram Rolon Rivera | |
| Sol MARIA Arce | Sol Maria Arce |

**Departamento de la Vivienda**
**Municipio de Bayamón**

**Programa de Sección 8**

Fecha: 22-enero-2010

**Junta de Participantes**

Nombre: Hiram Rolon Rivera
Dirección: Calle 19- Santa Rosa BAS Amar
Teléfono: 554 2614

**Sugerencias al Plan Anual Administrativo (2010-2015):**

- Fiscalizar a las personas que cometen discriminación hacia los homosexuales. (arrendador a inquilino)

**Departamento de la Vivienda**
**Municipio de Bayamón**

**Programa de Sección 8**

Fecha: 22 de enero de 2010

**Junta de Participantes**

Nombre: Luis Fonseca Binero.
Dirección: C/ Interior U-13 Parcelas Van Scoy Bay. P.R 00957.
Teléfono: (787) 955-0754.

**Sugerencias al Plan Anual Administrativo (2010-2015):**

Pago fijo de agua y Luz q. atraves de Vivienda nos den a los de bajos recursos le den algún descuentos.

Departamento de la Vivienda
Municipio de Bayamón

Programa de Sección 8

Fecha: 22 de enero de 2010

**Junta de Participantes**

Nombre: Eileen Fuentes Rios
Dirección: Urb. Jardines de Caparra C21 N31 Bay. PR. 00959.
Teléfono: 539-4886

**Sugerencias al Plan Anual Administrativo (2010-2015):**

- Pago fijo en la luz.
-

Departamento de la Vivienda
Municipio de Bayamón

Programa de Sección 8

Fecha: 1/22/2010

**Junta de Participantes**

Nombre: Sol Maria Arce
Dirección: C-6 Bloque DC-17 urb-Rexville Bay.
Teléfono: 939-350-8415

**Sugerencias al Plan Anual Administrativo (2010-2015):**

Pagos fijos en la Luz

2- AFTER PUBLIC HEARING:

The Board and those that assisted to the Public Hearing were given information regarding the PHA's 5 year / Annual Plan 2005 Plan and General Section 8 Policies and Requirements. The Plan was fully discussed and reviewed.

On the meeting the following matters were also discussed:

1. Non Discrimination Law and Policies
2. The Spanish version of Housing Discrimination Pamphlet (¿Ha sido usted víctima de discrimen en la vivienda?)
3. PR Utilities Incentive for Public Housing
4. Section 8 Hearing Procedures
5. The proposed new telephone system for the Housing Department
6. Owner and Landlord Responsibilities and Rights
7. The PHA's Website
8. Educational and vocational opportunities

Due to the fact that all questions were answered, the Participants Advisory Board endorsed the plan.

Attached next is the endorsement letter.

PLANES PHAs 2010

MUNICIPIO DE Bayamón
Programa Sección 8

CERTIFICACION VISTA PÚBLICA

La Junta de Participantes del Programa Sección 8 del Municipio de Bayamón, certifica que el 12 de marzo de 2010 se realizó la Vista Pública para discutir el borrador del Plan 2010 (forma HUD-50075) y todos sus anejos. Durante la Vista se orientó a los presentes y se determinó lo siguiente:

___no fue necesario realizar cambios al mismo.

X se aclararon las dudas existentes y no fue necesario realizar cambios.

___se aclararon las dudas y fue necesario realizar los siguientes cambios: (*Indique los cambios)*

Dado el hecho de que el Plan fue revisado, las dudas aclaradas y todos los presentes debidamente orientados, la Junta de Participantes aprueba el Plan del Programa Sección 8 del Municipio de Bayamón.

Certificamos lo anterior como correcto, hoy 12 de marzo de 2010:

| Nombre: | Firma: |
|---|---|
| Hiram Rolon Rivera | 1169-CU |
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| Eileen Fuentes | 307-VFSS |
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**Housing Choice Vouchers Program**

**Bayamón Housing Authority**

# Administrative Plan

Adopted: December 2007

**Municipality of Bayamón Housing Choice Voucher Program Administrative Plan**

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**Chapter 1**

## Statement of Policies and Objectives

### A. Introduction

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

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

### B. Local Objectives

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

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

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

1. To assist the local economy by increasing the occupancy rate and the amount of money flowing in the community
2. To encourage self sufficiency of HCV participant families; and
3. To encourage Homeownership amongst eligible HCV participants.
4. Improve Voucher management (SEMAP score)
5. Increase/Improve customer satisfaction and to improve the service delivery system in the Assisted Housing division at BHA.

### C. Purpose of the Administrative Plan

The purpose of this Administrative Plan is to:

- Establish policies for issues not covered under Federal regulations for the Section 8 Voucher, homeownership and Family Self-Sufficiency programs administered by the Bayamon Housing Authority

This plan conforms to all current HUD regulations. The Authority will comply with any subsequent changes in HUD regulations pertaining to program administration. If such changes conflict with the provisions of this policy, HUD regulations will have precedence.

The BHA administers the Section 8 Rental Voucher programs in the Metropolitan Statistical Area (MSA) of San Juan, which includes all of Bayamon and other counties. The primary objective of these programs is to provide decent, safe, sanitary and affordable rental housing for low income households and to provide these households with housing choices and the opportunity to move outside of areas with a concentration of low income households.

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies the PHA has adopted. The PHA's administrative plan is the foundation of those policies and procedures. HUD's directions require PHAs to make policy choices that provide guidance to staff and consistency to program applicants and participants. Following HUD guidance, even though it is not mandatory, provides a PHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD's safe harbor, but PHAs should carefully think through those decisions.

**D. Fair Housing Policy**

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

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

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

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

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

The BHA will not discriminate on the basis of marital status or sexual orientation.

**E. Service Policy/Accommodations**

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

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

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

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

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

Verification of a Request for Accommodation

The PHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the PHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

Before providing an accommodation, the BHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the PHA's programs and services. If a person's disability is obvious, or otherwise known to the BHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required. If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the BHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

All information related to a person's disability will be treated in accordance with the confidentiality policies. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability
- The BHA will request only information that is necessary to evaluate the disability-related need for the accommodation. The BHA will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file

The BHA will provide the persons with hearing-and sight-impairment translation or alternate method of communication. In addition the BHA will provide a list of accessible units available to be occupied by persons with impediments.

**Federal American with Disabilities Act of 1990**

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

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

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

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

**F. Undue Hardship**

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

- Nature and cost of the accommodation required;
- Number of applicants and participants who do not speak English and speak the other language
- Overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and
- Number of families likely to need such accommodation, the impact on expenses and resources, or the likely effect on the operation of the program as a result of the accommodation.

After a request for an accommodation is presented, the PHA will respond, in writing, within 20 business days. If the PHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), the PHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

If the PHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the PHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family.

**G. Translation of Documents**

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

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

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

**H. Family Outreach**

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

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

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

**I. Owner Outreach**

BHA encourages owners of decent, safe and sanitary housing units to lease to HCV families. The BHA develops implements and updates an ongoing marketing campaign designed to consistently attract new property owners to the Section 8 Housing Assistance Program. Components of this program include but are not limited to the following activities:

- BHA maintains a list of interested landlords/list of units available for the HCV program and updates the list at least every ninety (90) days. When listings from owners are received, they will be compiled by BHA staff by address location.
- Post notices in the government buildings (City Hall, Post Office, State Government agencies) inviting property owners to register their properties;
- Printed materials are offered to acquaint owners and managers with opportunities available under the HCV program.
- All landlords are required to participate in orientation sessions that are provided free of charge every week and available in the internet
- BHA conducts annual meetings with participating owners and prospective landlords to improve relations and to recruit new participating owners.

**Documentation of difficulties encountered by tenants locating housing units**

The section 8 program staff will maintain statistics documenting difficulties found by program participant locating housing units. Specifically the program staff will maintain a record of how many days elapsed between Voucher issuance and the RFTA submission. These statistics will be periodically analyzed to determine if participant are having difficulties locating units. Depending on the reasons identified by the tenants the municipality will take the following actions:

- Increase the payment standard (If funds are available)
- Request an increase to the Approved Fair Market Rate to HUD
- Provide assistance to tenant locating affordable units

**J. Privacy Rights**

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

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

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

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

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

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

**K. Equal Employment Opportunity**

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

**L. Rules and Regulations**

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

**M. Jurisdiction**

The jurisdiction of BHA is the San Juan-Bayamón Metropolitan Statistical Area.

**N. Monitoring Program Performance**

BHA policies, procedures, and tracking systems are designed to respond to the goals, objectives, and performance measures of HUD's Section Management Assessment Program (SEMAP). To comply with HUD and other pertinent regulations, BHA will maintain records, reports and other documentation for a period of time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested parties to assess BHA's operational procedures objectively and accurately.

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

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

# Chapter 2

# Eligibility for Admissions

## A. Introduction

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

## B. Eligibility Factors

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

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

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

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

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

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

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

## C. Eligibility Factor 1: Family Composition

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

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

Definitions

1. A group of persons may be:

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

2. A single person may be:

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

4. Head of Household

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

5. Spouse of Head

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

6. Co-Head

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

Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older or emancipated minor. Foster adults and live-in aides are not considered other adults.

7. Dependent

A dependent is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, cohead, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income.

Joint Custody of Dependents

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

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents.

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

8. Guests

Any adult not included on the HUD 50058 who has been in the unit more than 30 consecutive days without PHA approval, or a total of 60 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household. Statements from neighbors and/or the landlord will be considered in making the determination.

Any use of the unit address as the visitor's current residence shall be construed as permanent residence. The burden of proof that the individual is a visitor rests on the

family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the PHA will terminate assistance since prior approval was not requested for the addition.

If the utilities are in the name of the visitor or any other unauthorized member it will be considered part of the family.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 90 days per year without being considered a member of the household.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 30 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return

9. Live-in Aide

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, or with a personal with a medical condition and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(b)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

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

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

- Is determined by BHA to be essential to the care and well being of an elderly person or a person with a disability. A live-in aide may only reside in the unit with the prior written approval of the BHA and owner. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker or caseworker. The verification must specifically state that a live-in aide is essential for the daily care of the family member who is elderly, near elderly or disabled.

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

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

In accordance with 24 CFR 982.316 at any time, the PHA will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- Live–in aide does not meet the Criminal History Review (CHR) requirements
- The person fails to provide verification of legal identity (current, valid Driver's License, Department of Motor Vehicles Identification Card, etc.)

Split Households Prior to Voucher Issuance

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

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

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

Multiple Families in the Same Applicant Household

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

## D. Eligibility Factor 2: Income Limitations

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

- very low income family, as defined by the very low-income limits published by HUD in the Federal Register for the area served by BHA, or
- low income family in any of the following categories
- continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act Program within 60 days of Voucher issuance. Programs include Public Housing, all Section 8 Programs, and all Section 23 programs
- physically displaced by rental rehabilitation activity under 24 CFR Part 511
- non-purchasing family residing in a HOPE 1 or HOPE 2 project
- non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173
- displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165
- non-purchasing family residing in a project subject to a resident homeownership program

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

## E. Eligibility Factor 3: Citizenship and Eligible Immigration Status

In order to receive assistance, a family member must be an U.S. Citizen or have legal immigrant status. Individuals who are neither may elect not to declare their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. Individuals claiming eligible immigration status must present

appropriate immigration documents, which must be verified through the Immigration and Naturalization Service (INS).

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

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

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

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

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

**F. Eligibility Factor 4: Social Security Numbers**

For every family member age 6 or older, the family must provide documentation of a valid social security number (SSN), or a self-certification stating that no SSN has been issued. The self certification must be executed personally by any family member 18 or older, or by a parent or guardian for a minor.

The BHA will also accept the following documents as evidence if the SSN is provided on the document:

- Driver’s license
- Other identification card issued by a federal, state, or local agency, a medical insurance company or provider, or employer Payroll stubs
- Benefit award letters from government agencies; retirement benefit letters; life insurance policies
- Court records (real estate, tax notices, marriage and divorce, judgment or bankruptcy records)

If the family reports an SSN but cannot provide acceptable documentation of the number, the BHA will require a self-certification stating that documentation of the SSN cannot be provided at this time. The BHA will require documentation of the SSN within 60 calendar days from the date of the family member's self-certification mentioned above. If the family is an applicant, assistance cannot be provided until proper documentation of the SSN is provided.

The BHA will instruct the family to obtain a duplicate card from the local Social Security Administration (SSA) office.

For individuals who are at least 62 years of age and are unable to submit the required documentation of their SSN within the initial 60-day period, the PHA will grant an additional 60 calendar days to provide documentation.

Social security numbers must be verified only once during continuously assisted occupancy.

If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled reexamination. In addition, if a child reaches the age of 6 and has no SSN, the parent or guardian must execute a self-certification stating that the child has no SSN at the next regularly scheduled reexamination.

The social security numbers of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks.

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

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

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

BHA may waive this requirement if:

- The person demonstrates successful completion of a drug rehabilitation program approved by BHA, or
- The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

## H. Eligibility Factor 6: Legal Capacity to enter into agreement

To participate in the Housing Choice voucher program the Head must have the legal capacity to enter in an agreement. The HEAD of the family must be 21 year of age or legally emancipated by a court of law. A minor that is emancipated must present evidence to demonstrate it status.

## I. Suitability of Family

BHA may take into consideration any of the grounds for denial of assistance identified in this Administrative Plan but may not otherwise screen for factors that relate to the suitability of the applicant family as participants. It is the responsibility of the owner to screen the applicant as to their suitability for tenancy.

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

## J. Changes in Eligibility Prior to Issuance

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

## K. Notification to Ineligible Families

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

# Chapter 3

# Applying for Admission

## A. Introduction

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

## B. How to Apply

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

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

## C. Opening and Closing the Waiting List

BHA will open the waiting list by advertising through public notice in local newspapers of general circulation. When possible the BHA will communicate the status of housing availability to other service providers in the community, such as agencies serving individuals with special needs, and advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance. BHA will continuously monitor and evaluate outreach activities to ensure that information reaches the widest possible audience for which applications are being accepted. The notice will contain:

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

The notice will provide potential applicants with information on how to submit an application and information on eligibility requirements. Upon receiving a request from a person with a disability (determined on a case-by-case basis), additional time may be given as an accommodation for submission of an application after the closing

deadline. This accommodation is provided to allow persons with disabilities an opportunity to submit pre-application in those cases when a social service organization provides inaccurate or untimely information about the closing date.

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

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

**D. Application**

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

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

Duplicate applications will not be accepted.

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

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

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to a) number of local preferences that are included in the annual PHA Plan and b) the date the complete application is received by the PHA. Applicants with an Administrative Preference take precedence on the list over other applicants.

**E. Applicant Status While on the Waiting List**

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

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

**F. Waiting List Selection**

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

When there is insufficient funding available for the family at the top of the list, BHA will not admit any other applicant until funding is available for the first applicant. BHA will maintain information that permits proper selection from the waiting list. The waiting list contains, but is not limited to the following information for each applicant listed:

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

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

## G. Eligibility Determination

Applicant Interview and Completion of Full Application

When an applicant is selected from the waiting list, BHA schedules an interview to complete or update the application, discuss the family's circumstances in greater detail, clarify information that has been provided by the family, and ensure that the information provided in the application is complete. The interview, which must be attended by the head of household and spouse or co-head, and all adult household members is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process. All adult household members are required to attend the interview and sign the housing application. Exceptions may be made for students attending school out of state, or members for whom attendance would be a hardship, they can return their completed forms via mail.

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

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

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

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

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

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

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

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

**H. Verification**

Information provided by the applicant will be verified, using the verification procedures described at the beginning of this plan. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified.

**I. Final Determination and Notification of Eligibility**

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

**Mandatory Denial and Termination [24 CFR 982.552(b) (10)(d)]**

In accordance with federal regulations, the BHA must deny assistance to applicants, and terminate assistance for participants for the following reasons:

- If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information;
- If no member of the family is a U.S. citizen or eligible immigrant;
- If the family is under contract and 180 days have elapsed since the last housing assistance payment was made;
- Persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law;
- If a PHA has ever terminated assistance under the program for any member of the family.
- Any household member is currently engaging in illegal use of a drug;
- A household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- A member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

Tenants terminated (or applicants denied) by the BHA will be denied all forms of rental assistance and may not reapply for a minimum of 5 years. Upon denial/termination an applicant/participant will be removed from all waiting lists.

# Chapter 4

## Establishing Preferences and Maintaining the Waiting List

### A. Introduction

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

### B. Application Pool

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

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

### C. Waiting List Preferences

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

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

<u>Local Preference Categories</u>

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

Families eligible for a local preference include:

- Disabled or handicapped individuals
- Involuntarily displaced families

- Domestic Violence
- Resident of Bayamón

The Preference System

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

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

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

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

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

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

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

1. Disabled, and handicapped families
2. Involuntarily displaced families
3. Domestic Violence

**Ranking of Local Preferences**

Local preferences are ranked: 1. Disabled, and handicapped families, 2. involuntarily displaced families, 3) Domestic Violence, 4)Residents of Bayamón

## D. Local Preference Determination

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

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

**Initial Determination of Local Preferences Qualification**

Local preferences are preferences for use in selecting applicants.

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

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

**Denying a Preference**

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

The notice must state:

- The reason for the determination; and
- They will retain their original place on the waiting list as a non-preference applicant; and

- The right of the applicant to meet with the staff for review

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

**E. Preference Eligibility**

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

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

**F. Maintaining and Purging the Waiting List**

While the family is on the waiting list, the family must immediately inform the BHA of changes in preferences and contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

The waiting list will be purged at least annually by notifying the applicants via mail. Applicants are also required to respond to requests from PHA to update information on their applications and to determine their continued interest in and need for assistance. Failure to provide information or respond to PHA mailings (in thirty days that date) that request updated information will result in the applicant being removed from the waiting list.

<u>Income Targeting</u>

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

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

Special Admissions

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

Targeted Funding

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

**G. Removal From the Waiting List**

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

- Failure to respond to written communications;
- Fail to appear to an applicant interview,
- Fail to comply with applicant briefing requirements.

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

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

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

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

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

- Hospitalization
- Death in the immediate family

If at any time an applicant family is on the waiting list, the BHA determines that the family is not eligible for assistance, the family will be removed from the waiting list. If a family is removed from the waiting list because the BHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting and will inform the family how to request an informal review of the PHA's decision.

# Chapter 5

# Subsidy Standards

## A. Introduction

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

## B. Determining Voucher Size

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

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

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

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

- persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom
- separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 3 years of age)
- foster children will be included in determining unit size only if they will be in the unit for more than six months
- space may be provided for a child who is away at school or a spouse who is away in the military
- adults of different generations may have separate bedrooms
- single person families may be allocated an efficiency unit or one bedroom Voucher
- a family that consists of a pregnant woman (with no other persons) will be treated as a two- person family. [24 CFR 982.402(5)]
- a live-in attendant will generally be provided a separate bedroom
- no additional bedrooms are provided for the attendant's family

Guidelines for Determining Voucher Size

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

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

**C. Exceptions to Subsidy Standards**

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

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

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

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

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

<u>Changes in Household Composition</u>

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

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

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

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

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

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

Under-Housed and Over-Housed Families

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

**D. Unit Size Selected**

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

- Subsidy Limitation: BHA will apply the Payment Standard for the smaller of (1) the bedroom size shown on the voucher or (2) the size of the actual unit selected by the family.
- Utility Allowance: the utility allowance used to calculate the gross rent is based on the actual bedroom size of the unit the family selects, regardless of the size authorized on the family's voucher.

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

<u>HQS Guidelines for Unit Size Selected</u>

Maximum # of Persons in Household

0 Bedroom 1

1 Bedroom 4

2 Bedrooms 6

3 Bedrooms 8

4 Bedrooms 10

5 Bedrooms 12

6 Bedrooms 14

# Chapter 6

## Factors Related to Total Tenant Payment (TTP) Determination

### A. Introduction

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

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

### B. Income

<u>Definitions</u>

Income

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

Annual Income

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

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

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

- Multiply weekly wages by 52 weeks
- Multiply bi-weekly wages by 26
- Multiply bi-monthly wages by 24
- Multiply monthly wages by 12
- Multiply daily wages by 260 (full-time/no overtime)

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

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

Averaging Income

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

1. Annualize current income, or

2. Average known sources of income to compute annual income

The method used will depend on the regularity, source and

2. Average known sources of income to compute annual income

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

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

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

**C. Income of Temporarily and Permanently Absent Family Members**

Temporarily Versus Permanently Absent

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

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

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

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

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

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

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

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

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

Absence of Entire Family

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

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

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

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

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

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

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, BHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 90 consecutive days, the family member will be considered temporarily absent.

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

Absence Due to Incarceration

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

Absence of Children Due to Placement in Foster Care

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

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

Absence of Adult

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

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

Absence Due to Full-Time Student Status

A full-time student (other than head or co-head of household or spouse) who attends school away from home but lives with the family during school recess may, at the family's choice, be considered either temporarily or permanently absent.

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

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

**D. Income of Person Permanently Confined to Nursing Home**

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

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

### E. Regular Contributions and Gifts

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

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

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

### F. Alimony and Child Support

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

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

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

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

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

### G. Assets and Income from Assets

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

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

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

Lump-Sum Receipts

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

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

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

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

Contributions to Retirement Funds

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

- while an individual is employed, BHA will count as an asset only the amount the family can withdraw without retiring or terminating employment
- after retirement or termination or employment, BHA will count any amount the employee elects to receive as a lump-sum

Assets Disposed of for Less Than Fair Market Value

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

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

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

**H. Adjusted Income**

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

HUD has five allowable deductions from Annual Income:

- Dependent allowance: $480 each for family members who are minors (other than the head or spouse or co-head) and for family members who are 18 years or older and full-time students or disabled.
- Reasonable Child Care Expenses: Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.
- Elderly/disabled allowance: $400 per family for families whose head or spouse is 62 or over or disabled.
- Allowable medical expenses: Unreimbursed medical expenses which exceed three percent of Annual Income may be deducted for all family members of an eligible elderly/disabled family.
- Allowable Disability Assistance Expenses: Unreimbursed expenses exceeding three present of Annual Income which are for attendant care or auxiliary apparatus for persons with disabilities, may be deducted when the expenditure enables the individual or an adult family member to work. If a family has both Disability Assistance and Medical Expenses, the three
- percent of Annual Income is applied only once and always to the Disability Assistance expense first.

<u>Child Care Expenses</u>

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

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

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

- the abuser in a documented child abuse situation, or
- a person with disabilities or handicaps, or an older person unable to take care of a small child, as verified by reliable, knowledgeable professional, such as a doctor, social worker or case worker
- The maximum child care expense allowed is based on the following guidelines:
- child care to work: Child care expenses allowed must be less than the amount earned by the person enabled to work. The person enabled to work will be the adult member of the household who earns the least amount of income from working
- child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school (including one hour travel time to and from school)

Medical Expenses

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

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

**I. "Minimum Rent" and Minimum Family Contribution**

All families are required to pay a minimum TTP (rent and utilities) of $25 a month.

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

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

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

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

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

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

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

**J. Reduction in Benefits**

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

If a family's welfare benefits are reduced, in whole or in part, for a family member because of fraud or because of a welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, BHA will not reduce the rent to reflect the lost benefit. BHA will include in the family's annual income for purposes of determining rent, an imputed welfare income. Imputed welfare income is the amount of annual income not actually received by a family as a result of a welfare benefit reduction that is included in the family's income for purposes of calculating rent.

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

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

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

## K. Pro-ration of Assistance for “Mixed” Families

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

## L. Utility Allowance and Utility Reimbursement Payments

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

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

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

# Chapter 7

# Verification Procedures

## A. Introduction

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

## B. Methods of Verification and Time Limits

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

1. Upfront Income Verification
2. Third-Party Written
3. Third-Party Oral
4. Review of Original Documents
5. Certification/Self-Declaration
6. David System-Information about privately owned motor vehicles

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

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

<u>Third-Party Written Verification</u>

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

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

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

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

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

Third-Party Oral Verification

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

Review of Documents

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

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

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

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

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

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

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

Self-Certification/Self Declaration

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

**C. Release of Information**

The family will be required to sign specific authorization forms when information is needed that is not covered by the Authorization for Release of Information (HUD-9886) form. Each adult household member will be required to review and sign appropriate consent forms. Copies will be provided upon request.

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

**D. Computer Matching**

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

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

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

**E. Items Requiring Verification**

- All income not specifically excluded by the regulations.

- Zero-income status of household.
- Full-time student status including high school students who are 18 or over.
- Current assets, including assets disposed of for less than fair market value in the preceding two years.
- Child care expense when child care allows an adult family member to be employed, to seek employment, or to further his/her education.
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow an adult family member to be employed.
- U.S. citizenship or eligible immigrant status.
- Social Security numbers for all family members six years of age or older who have been issued a number.
- Qualification of preferences.
- Familial/marital status when needed for head or spouse definition.
- Disability status for determination of preferences, allowances or deductions.
- Pregnancy of a woman who applies to live alone as a family.
- Documentation for need of live-in aide.
- Insurance/ownership/tax form ID of property owner.
- Any other information required to ensure program compliance.

**F. Verification of Income**

<u>Employment Income</u>

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

- Employment verification form completed by the employer or completed by BHA staff via telephone conversation with employer when staff initiates the call.
- Check stubs or earning statements indicating the employee's gross pay, frequency of pay or year to date earnings.
- W-2 forms plus income tax return forms.
- Income tax returns signed by the family for verification of self-employment income or income from tips and other gratuities.
- Employers must specify the following on the verification forms:
    - Dates of employment
    - Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

- Year to date earnings; and

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

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

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

Acceptable methods of verification include, in this order:

- Computer report electronically obtained through an upfront income verification system.
- Benefit verification form completed by agency providing the benefits.
- Award or benefit notification letters provided by the providing agency.

Unemployment Compensation

Acceptable methods of verification include, in this order:

- Enterprise Income Verification
- Verification form completed by the unemployment compensation agency.
- Computer printouts from unemployment office stating payment dates and amounts.
- Original Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

- BHA verification form with or without the computer printout completed by payment provider.
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
- Computer-generated Notice of Action.
- Computer generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

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

- Copy of latest check and/or payment stub from a court trustee. BHA must record the date, amount, and number of the check.
- Notarized letter from person paying the support.
- Family's self-certification of amount received and the likelihood of support payments being received in the future, or self-certification that support payments are not being received.
- If payments are irregular, copy of separation or settlement agreement or divorce decree stating the amount and type of support and payment schedules and one of the following:

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

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

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

<u>Net Income from a Business</u>

- IRS Form 1040, including:
- Schedule C (Small Business);
- Schedule E (Rental Property Income); and
- Schedule F (Farm Income).
- Documents such as manifests, appointment books, cash books, bank statements, and receipts, will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- Credit report or loan application.
- If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), BHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.
- If the family has filed a tax return, the family will be required to provide it.
- A notarized self-employment certification.

<u>Recurring Gifts</u>

- Self-certification containing the following information:

  - Name of gift-provider;

  - Value of gift;

- Regularity (dates) of gift; and

- Purpose of gifts.

Zero Income Status

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

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

Full-Time Student Status

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

G. Acceptable Methods for Verification of Income from Assets

Checking and Savings Account Interest Income and Dividends

- BHA verification forms completed by the financial institution.
- Account statements, passbooks, certificates of deposit.
- Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
- IRS Form 1099 from the financial institution, provided that BHA adjusts the information to project earnings expected for the next 12 months.
- Interest Income from Mortgages or Similar Arrangements will be verified by:
- Letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months (A copy of the check paid by the buyer to the family is not sufficient, unless a breakdown of interest and principal is shown).
- Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.
- Net Rental Income from Property Owned by Family
- IRS Form 1040 with Schedule E (Rental Income).
- Copies of latest rent receipts, leases, or other documentation of rent amounts.
- Documentation of allowable operating expenses of the property: tax statements, insurance invoice, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
- Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

H. Acceptable Methods of Verification of Assets

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

Family Assets

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

Assets Disposed of for Less than Fair Market Value

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

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

- All assets disposed of for less than fair market value;
- Date assets were disposed of;
- Amount the family received; and
- Market value of the assets at the time of disposition.

Third party verification will be obtained whenever possible.

## I. Allowable Methods of Verification of Allowable Deductions from Income

Child Care Expenses

- Written verification from the person who receives the payments. If the child care provider is an individual, a statement of the amount the individual is charging the family for the service. Verifications must specify the name of the child care provider, address, telephone number, Social Security number, names of children

cared for, number of hours cared for, rate of pay, and typical yearly amount paid, including school and vacation periods.
- Family certification as to whether any of the child care payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

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

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration indicating the amount of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

Attendant Care

- Written certification from a reliable, knowledgeable licensed professional that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
- Attendant's notarized written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or paycheck stubs from the agency providing the services.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. BHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

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

Assistance to Persons with Disabilities

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

Attendant Care

- Attendant's written certification of the amount received from the family, frequency of receipt, and hours of care provided.
- Written certification of family and attendant and/or copies of canceled checks that the family used to make payments.

Auxiliary Apparatus

- Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
- In the case where the person with the disability is employed, statement from the employer that the auxiliary apparatus is necessary for employment.

**J. Acceptable Methods of Verification of Non-Financial Factors**

Legal Identity of Adults

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

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

Legal Identity of Minors

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

Marital Status

- For divorce, certified copy of the divorce decree, signed by a Court Officer.
- For separation, a copy of court-ordered maintenance or other records.
- For marriage, copy of marriage certificate.

Familial Relationships

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

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

  - Court-ordered assignment;

  - Affidavit of parent;

  - Verification from social services agency; or

  - School records.

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

Permanent Absence of Adult Household Member

- Legal papers documenting a spouse instituted a divorce action.
- Legal papers documenting a spouse instituted a legal separation.
- Order of protection or restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled rent checks, driver's license, or lease or rental agreement, if available.

- Statements from other agencies such as social services or written statement from the landlord or manager that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or prison stating how long member will be incarcerated, or print out from the offender tracking information system.

Change of Family Composition

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

Disability

- Receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 (7).
- Verification by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Citizenship/Eligible Immigrant Status

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

- Citizens or Nationals of the United States: Signed declaration under penalty of perjury. BHA will not require citizens to provide documentation of citizenship.
- Eligible Immigrants who were Participants and 62 or over on June 19, 1995: Signed declaration of eligible immigration status and proof of age.
- Non-citizens with eligible immigration status: Signed declaration of status and verification consent form and submission of original immigration documents to BHA, which are to be copied and returned to the family. BHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, BHA must request within ten days that the INS conduct a manual search.

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

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

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

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

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

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

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

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

Social Security Numbers

Social security numbers must be provided as a condition of eligibility for all family members age six and older if they have been issued a number. Verification of Social Security numbers will be done through a social security card issued by the Social Security Administration. If a family member cannot produce a social security card, only the documents listed below showing his or her social security number may be used for

verification. The family is also required to certify in writing that the document(s) submitted in lieu of the social card information provided is/are complete and accurate:

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

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

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

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

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

<u>Medical Need for Larger Unit</u>

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

***Third Party Verification Procedures***

The BHA's Section 8 Program 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 noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

REQUIRED CONSENT BY APPLICANTS & PARTICIPANTS

Each member of the family of an assistance applicant or participant, who is at least 18 years of age, and each family head and spouse, regardless of age, shall sign one or more consent forms. See 24 CFR §5.230.

GENERAL RULES

Age, relationship, U.S. citizenship, and Social Security Numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or -for citizenship- documentation, such as listed in the table below will be required.) Verification of these items will include photocopies (of provided originals) of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.
The first method to use for any information verification must be using third party verification. This type of verification includes written documentation (with forms sent directly to and received directly from a source, not passed through the hands of the family). This verification will also be direct contact with the source, in person or by telephone. It will also be a report generated by a request from the PHA's Section 8 Program 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 PHA's Section 8 Program will accept documentation received from the applicant/participant. Hand-carried documentation will be accepted if the PHA's Section 8 Program 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 PHA's Section 8 Program will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

The PHA will document in the tenant file, the reason why third party verification was not available.

Social Security

24 CFR §5.216 requires applicants and participants to disclose the complete and accurate social security number (SSN) assigned to the applicant/participant and to each member of the applicant's/participant's household, who is at least six years of age and to provide documentation to verify each SSN.

In the event an applicant or participant or household member, who is at least six years of age, has not been assigned an SSN, the household member (or guardian if the member is under the age of 18) must execute a certification that states the household member was not issued a social security number.

General Items

The chart below outlines the factors that will be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the PHA's Section 8 Program 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** | **3rd party verification** | **Hard-carried verification** |
| Social Security Number | Letter from Social Security, electronic reports | Social Security card |
| Citizenship | N/A | Signed certification, voter's registration card, birth certificate, etc. |
| Eligible immigration status | INS SAVE confirmation # | INS card |
| Disability | Letter from medical professional, SSI, etc. | Proof of SSI or Social Security disability payments |
| Full time student status (if >18) | Letter from school | For high school students, any document evidencing enrollment |
| Need for a live-in aide | Letter from doctor or other professional knowledgeable of condition | N/A |
| Child care costs | Letter from care provider | Bills and receipts |
| Disability assistance expenses | Letters from suppliers, care givers, etc. | Bills and records of payments |
| Medical expenses | Letters from providers, prescription record from pharmacy, medical professional's | Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls |

| Verification Requirements for Individual Items: **General Eligibility Items** | | |
|---|---|---|
| **Item to Be Verified** | **3rd party verification** | **Hard-carried verification** |
| | letter stating assistance or a companion animal is needed | |

Income

The requirement for third party verification can be found at 24 CFR §960.259(c)(1) and §982.516(a)(2) and states that "The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:

(i) Reported family annual income;
(ii) The value of assets;
(iii) Expenses related to deductions from annual income; and
(iv) Other factors that affect the determination of adjusted income or income-based rent."

Third party verification is defined as independent verification of income and/or expenses by contacting the individual income/expense source(s) supplied by the family. The verification documents must be supplied directly to the independent source by the PHA and returned directly to the PHA from the independent source.

The tenant shall not hand carry documents to or from the independent source. The PHA will elect to mail, fax, or e-mail the verification request form to the independent source.

In the event that the independent source does not respond to the PHA's faxed, mailed, or emailed request for information, the PHA will pursue oral third party verification.

The income verification process established for the PHA's Section 8 Program consists of two major tasks:

1. SIGN CONSENT- Applicants and participants sign a consent form to request the following: current or previous wages and salaries from employers, wage information and unemployment compensation from the State agency charged with the administration of the State unemployment law, and income information from the Commissioner of Social Security and the Secretary of the Treasury.

2. VERIFICATION OF INCOME- The PHA will put forth all its efforts to ensure that all available resources are used, including upfront income verification techniques, to obtain verification of tenant reported (unreported or underreported) income.

The PHA's Section 8 Program will use the following verification methods in the order listed below:

(1) Upfront Verification
(2) Written Third Party Verification
(3) Oral Third Party Verification
(4) Document Review
(5) Tenant Declaration

The PHA should attempt to use upfront income verification first and whenever possible, since it is the most preferred method by HUD and does not rely on an individual filling out a form, which may result in lower data integrity.

The PHA's staff will use the Upfront Income Verification (UIV) Information gathered, to verify the household income of program participants. This is a key strategy in reducing income and rent errors attributable to unreported income and to increase accuracy and efficiency in determining family eligibility and computing rent calculations.

If upfront verification is not available (PHA does not have access to this type of information or it is too costly to obtain) then the PHA should obtain required written third party verification. Verification forms should be mailed, faxed or e-mailed directly to the independent source.

In the event that the independent source fails to respond to written verification requests, the PHA should then contact the independent source by telephone or an in person visit to obtain the verification. Upon receipt of the information, the PHA should document in the family file, the date and time the information was received along with the name of the person and title that provided the information.

*Below are the levels and the order of verification methods that the PHA's Section 8 Program will use in determining a family's Total Tenant Payment (TTP).*

| | |
|---|---|
| **Upfront (UIV)** | **Highest (Highly Recommended, highest level of third party verification)** |
| **Written 3rd Party** | **High (Mandatory if upfront income verification is not available or if UIV data differs substantially from tenant-reported information)** |
| **Oral 3rd Party** | **Medium (Mandatory if written third party verification is not available)** |
| **Document Review** | **Medium-Low (Use on provisional basis)** |
| **Tenant Declaration** | **Low (Use as last resort)** |

| Income Type | Upfront | Written Third Party | Oral Third Party | Document Review | Tenant Declaration |
|---|---|---|---|---|---|
| | **(LEVEL 5)** | **(LEVEL 4)** | **(LEVEL 3)** | **(LEVEL 2)** | **(LEVEL 1)** |
| **Wages/Salaries** | Use of computer matching agreements with a State Wage Information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax or in person. | The PHA mails, faxes, or e-mails a verification form directly to the independent sources to obtain wage information. | In the event the independent source does not response to the PHA's written request for information, the PHA may contact the independent source by phone or make an in person visit to obtain the requested information. | When neither form of third party verification can be obtained, the PHA may accept original documents such as consecutive pay stubs (HUD recommends the PHA review at least three months of pay stubs, if employed by the same employer for three months or more), W-2 forms, etc. from the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available. | The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from earnings. Note: The PHA must document in the tenant file, the reason third party verification was not available. |
| | Agreements with private vendor agencies, such as The Work Number or Choice Point to obtain wage and salary information. | The PHA may have tenant sign a Request for Earnings Statement from SSA to confirm past earnings. The PHA mails the form to SSA and the statement will be sent to the address the PHA specifies on the form. | | | |
| | Use of HUD systems, when available. | | | | |

**Verification of Employment Income**: The PHA should always obtain as much information as possible about the employment, such as start date (new employment), termination data (previous employment), pay frequency, pay, rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and the position of the person completing the employment verification form.

**Effective Date of employment**: The PHA should always confirm start and termination dates of employment.

| Income Type | Upfront | Written Third Party | Oral Third Party | Document Review | Tenant Declaration |
|---|---|---|---|---|---|
| | (LEVEL 5) | (LEVEL 4) | (LEVEL 3) | (LEVEL 2) | (LEVEL 1) |
| **Self-Employment** | Not Available | The PHA mails or faxes a verification form directly to sources identified by the family to obtain income information. | The PHA may call the source to obtain income information. | The PHA may accept any documents (i.e. tax returns, invoices and letters from customers) provided by the tenant to verify self-employment income. Note: The PHA must document in the tenant file, the reason third party verification was not obtained. | The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self-employment. Note: The PHA must document in the tenant file, the reason third party verification was not available. |
| **Verification of Self-Employment Income:** Typically, it is a challenge for PHAs to obtain third party verification of self-employment income. When third party verification is not available, the PHA should always request a notarized tenant declaration that includes a perjury statement. | | | | | |
| **Social Security Benefits** | Use of HUD Tenant Assessment System (TASS) to obtain current benefits history and discrepancy reports. | The PHA mails or faxes a verification form directly to the SSA office to obtain social security benefit information. (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.) | The PHA may call SSA, with the tenant on line, to obtain current benefit amount. (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.) | The PHA may accept an original SSA Notice from the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available. | The PHA may accept a notarized statement or affidavit from the tenant that declares monthly social security benefits. Note: The PHA must document in the tenant file the reason third party verification was not available. |
| **Welfare Benefits** | Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person. | The PHA mails faxes, or e-mails a verification form directly to the local Social Services Agency to obtain welfare benefit information. | The PHA may call the local Social Services Agency to obtain current benefit amount. | The PHA may review original award notice or printout from the local Social Services Agency provided by the tenant. Note: The PHA must in the tenant file; the reason third party verification was not available. | The PHA may accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits. Note: The PHA must document in the tenant file, the reason third party verification was not available. |
| **Child Support** | Use of agreement with the local Child Support | The PHA mails, faxes, or e-mails a verification form directly to | The PHA may call the local Child Support Enforcement Agency or child | The PHA may review an original court order, notice or printout from the | The PHA may accept a notarized statement or affidavit from the |

| Income Type | Upfront | Written Third Party | Oral Third Party | Document Review | Tenant Declaration |
|---|---|---|---|---|---|
| | (LEVEL 5) | (LEVEL 4) | (LEVEL 3) | (LEVEL 2) | (LEVEL 1) |
| | Enforcement Agency to obtain current child support amount and payment status electronically, by mail or fax or in person. | the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status. | support payer to obtain current child support amount and payment status. | local Child Support Enforcement Agency provided by the tenant to verify current child support amount and payment status. Note: The PHA must document in the tenant file, the reason third party verification was not available. | tenant that declares current child support amount and payment status. Note: The PHA must document in the tenant file, the reason third party verification was not available. |
| **Unemployment Benefits** | Use of computer matching agreements with a State Wage Information Collection Agency to obtain unemployment compensation electronically, by mail or fax or in person.<br>Use of HUD systems, when available. | The PHA mails, faxes, or e-mails a verification form directly to the State Wage Information Collection Agency to obtain unemployment compensation information. | The PHA may call State Wage Information Collection Agency to obtain current benefit amount. | The PHA may review an original benefit notice or unemployment check stub, or printout from the local State Wage Information Collection Agency provided by the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available. | The PHA may accept a notarized statement or affidavit from the tenant that declares unemployment benefits. Note: The PHA must document in the tenant file, the reason third party verification was not available. |
| **Pensions** | Use of computer matching agreements with a Federal, State or Local Government Agency to obtain pension information, electronically, by mail or fax or in person. | The PHA mails, faxes, or e-mails a verification form directly to the pension provider to obtain pension information | The PHA may call the pension provider to obtain current benefit amount. | The PHA may review an original benefit notice from the pension provider provided by the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available. | The PHA may accept a notarized statement or affidavit from the tenant that declares monthly pension amounts. Note: The PHA must document in the tenant file, the reason third party verification was not available. |
| **Assets** | Use of cooperative agreements with sources to obtain asset and asset income | The PHA mails, or e-mails a verification form directly to the source to obtain asset and asset income | The PHA may call the source to obtain asset and asset income information. | The PHA may review original documents provided by the tenant. Note: The PHA must document in the | The PHA may accept a notarized statement or affidavit from the tenant that declares assets and asset income. Note: The |

| Income Type | Upfront | Written Third Party | Oral Third Party | Document Review | Tenant Declaration |
|---|---|---|---|---|---|
| | (LEVEL 5) | (LEVEL 4) | (LEVEL 3) | (LEVEL 2) | (LEVEL 1) |
| | information electronically, by mail or fax or in person. | information. | | tenant file, the reason third party verification was not available. | PHA must document in the tenant file, the reason third party verification was not available. |
| **Comments** | Whenever HUD makes available wage, unemployment, and SSA information, the PHA should use the information as part of the reexamination process. Failure to do so may result in disallowed cost during RIM review. | Note: The independent source completes the form and returns the form directly to the PHA Agency. The tenant should not carry documents to or from the independent source. | The PHA should document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified current income amount. | | The PHA should use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful. Notarized statement should include a perjury penalty statement. |
| **Note: The PHA must not pass verification costs along to the participant.** | | | | | |
| **Note: In cases where the PHA cannot reliably project annual income, the PHA may elect to complete regular interim reexaminations (this policy should be apart of the PHA's written policies)**. | | | | | |

Example of the local documentation that the PHA will request, among others, is a certification from the CRIM (Center for Municipal Income and Tax Collection) to be considered for negative ownership for local real estate properties to the tenant declaration for asset verification and, a certification from the P.R. Department of Labor and Human Resources to be considered for job verification.

## Chapter 8

## Briefing and Voucher Issuance

### A. Introduction

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

### B. Issuance of Vouchers

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

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

Voucher Issuance/Preferred Unit Size

| Bedroom Size | Family Composition |
|---|---|
| 1 Bedroom | 1 adult, or couple with no children |
| 2 Bedroom | Adult/couple who:<br><br>Require separate bedrooms, or<br>Have live-in aide/ chore provider<br>Adult/couple plus 1 child<br>Adult/couple with 2 children of same sex<br>Documented pregnant woman with no other children |

| | |
|---|---|
| 3 Bedroom | Adult/couple:<br><br>Plus 2 children of opposite sex, or<br>Plus 3 children, or<br>Plus 4 children (2 boys and 2 girls), or<br>With documented medical/specials needs plus 1 child, or<br>With medical/special needs plus 2 children of same sex<br><br>In the above medical/special needs instances a completed form, by a health care professional is required |
| 4 Bedroom | Adult/Couple:<br><br>Plus 4 or 5 children (3 of same sex), or<br>With medical/special needs plus 2 children of opposite sex, or<br>With medical/special needs plus 3 children<br><br>In above medical/special needs instances a completed form, by a health care professional is required |
| 5 Bedroom | Adult/couple:<br><br>Plus 6 or 7 children ( any combination), or<br>Plus 6 children with documented medical/special needs |

**C. Briefing Types and Required Attendance**

Initial Applicant Briefing

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

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

BHA will not issue a voucher to a family unless the household representative (head of household, co-head or spouse) has attended the briefing. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two scheduled briefings without prior notification and approval of BHA may be denied admission based on failure to supply information needed for certification. BHA may conduct

individual briefings for families with disabilities at their home, if other arrangements cannot be made, if required for reasonable accommodation.

Briefing Packet

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

The family is provided with the following information and materials:

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

- Description of the method used to calculate the Housing Assistance Payment (HAP) and information on payment standards and utility allowance
- Explanation of how the maximum allowable rent is determined, including procedures for determining rent reasonableness
- Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services.
- Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, and security.
- Explanation of the portability option
- Sample of the HUD Tenancy Addendum
- Request for Lease Approval form and a description of the procedure for requesting approval for a unit
- BHA policy on providing information about families to prospective owners
- Subsidy standards, and how unit size listed on voucher relates to the unit size selected
- HUD brochure, “A Good Place to Live” on how to select a unit that complies with HQS
- HUD brochure on lead-based paint and information about where blood level testing is available
- Information on Federal, State, and local equal opportunity laws, including the pamphlet “Fair Housing: It’s Your Right”. BHA will also include information on reporting suspected discrimination and the phone numbers of the Local Fair Housing Agency and the HUD enforcement office.
- Family Obligations under the program
- Grounds for termination of assistance because of family action or failure to act
- Requesting an Informal Review/Hearing

Other Information to be Provided at the Briefing

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

The briefing interview presentation emphasizes:

- Family and owner responsibilities
- Where a family may lease a unit inside and outside its jurisdiction
- How portability works for families eligible to exercise portability
- Advantages to moving to an area with low concentration of poor families if family is living in a high poverty census tract in the BHA jurisdiction
- Choosing a unit carefully
- Family Self-Sufficiency Program
- Homeownership Program

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

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

Owner Briefing

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

**D. Term of Voucher**

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

Expirations

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

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

Suspensions

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

Extensions

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

- Extenuating circumstances, such as hospitalization or family emergency, which has affected the family's ability to find a unit within the 60-day period. Verification is required.
- BHA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the BHA, throughout the initial 60-day period. A completed search record is required.
- Family was prevented from finding a unit due to the need to locate an accessible unit to accommodate a disabled family member or to the family's need for a unit with four or more bedrooms. A completed search record is required as part of the verification.

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

**E. Assistance to Voucher Holders During Search**

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

## F. Voucher Issuance Determination for Split Households

When a family assisted under the HCV Program becomes divided into two otherwise eligible families due to divorce, legal separation or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, BHA will determine the family unit that retains the children as the applicant.

In cases were not children are involved the BHA shall consider the following factors to determine which of the families will continue to be assisted:

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

The BHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up. However, if a court determines the disposition of property between members of the assisted family in a divorce or separation decree, the BHA is bound by the court's determination of which family members continue to receive assistance.

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

## G. Retention of Voucher for Remaining Member of Tenant Family

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

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

# Chapter 9:

# Request for Lease Approval and Contract Execution

## A. Introduction

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

## B. Request for Tenancy Approval

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

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

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

<u>Approval of RFTA</u>

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

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

Disapproval of RFTA

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

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

**C. Eligible Types of Housing**

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

- all structure types can be utilized
- manufactured homes where the tenant leases the mobile home or the pad
- independent group residences
- congregate facilities (only the shelter rent is assisted)
- Single-Room Occupancy dwellings
- units owned (but not subsidized) by BHA (following HUD-prescribed requirements)

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

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

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

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

The BHA will not approve:

- unit occupied by the owner or by any person with an interest in the unit, other than manufactured homes described above
- nursing homes or other institutions that provide care
- school dormitories and institutional housing
- any other types of housing prohibited by HUD

## D. Lease Review

BHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and Puerto Rico law. Responsibility for utilities, appliances, and optional services must correspond to those provided on the RFTA.

Owners may either submit their own lease or permit BHA to furnish the lease. In cases where the owner's lease is used, the HUD tenancy addendum must be attached and executed.

BHA encourages owners to use a sample lease provided by the BHA, which includes the HUD-mandated language. House Rules of the owner may be attached to the lease as an addendum, provided they must be approved by BHA to ensure they do not violate any fair housing HUD Provisions.

## E. Separate Agreements

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for appliances (other than HQS requirements such as utilities, range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the BHA.

Any appliances, services, or other items routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage), or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. With regard to a separate agreement, the family must have the option to not use the service, appliance, or other item. BHA is not liable for unpaid charges for items covered by separate agreements, and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the BHA. If agreements are entered into at a later date, they must be approved by the BHA and attached to the lease.

BHA will approve agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling. If the owner makes modifications to the unit, the costs should be recovered through the rent collected, not by having the tenant pay for the modifications. Exception would be considered if the modifications are such that they most likely would be removed if the tenant moved out.

**F. Initial Inspections**

See Chapter titled Housing Quality Standards and Inspections.

**G. Rent Limitations**

BHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

In addition, even when the rent is determined to be reasonable within local rental market conditions, the family may not enter into a lease for the unit if the total tenant payment for the unit will be greater than 40% of the family's adjusted monthly income.

If the proposed *Gross Rent* is not reasonable or the TTP will exceed 40% of the family's adjusted monthly income, at the family's request, BHA will negotiate with the owner to reduce the rent to a reasonable rent.

If the rent can be approved by taking the above steps, BHA will continue processing the RFTA and the Lease. If the revised rent involves a change in the provision of utilities, a new RFTA must be presented to BHA.

If the owner does not agree on the *Contract Rent* after BHA has tried and failed to negotiate a revised rent, BHA will inform the family and owner that the lease is disapproved.

**H. Security Deposit Requirements**

Leases Effective on or after October 2, 1995

Security deposits charged by owners may not exceed those charged to unassisted tenants or the maximum prescribed by Puerto Rico law.

Leases Effective Prior to October 2, 1995

The amount of security deposit an owner could have collected under contracts effective prior to October 2, 1995 is an amount not to exceed one month's rent at move-in. Owners may use the security deposit to cover unpaid rent owing at time of move out and or other costs allowed under State Landlord-Tenant Act.

**I. Information to Owners**

BHA is required to provide prospective owners with the address of the applicant and if known, the names and addresses of the current and previous landlords. BHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

BHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

Upon written request from a prospective landlord, BHA will provide any of the following information regarding a family's tenancy history during the past five years based on documentation in BHA's possession relating to*:*

- eviction history
- damage to rental units
- other aspects of tenancy history; including timely rental payments
- housekeeping (if known)
- drug trafficking by family members

The information will be provided in writing. Only supervisory staff may provide this information. BHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

**J. Owners Disapproval**

For purposes of this section, "owner" includes a principal or other interested party.

BHA may disapprove the owner for any of the following reasons:

- Owner has a history or practice of failing to terminate the tenancy of residents occupying units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
- threatens the right to peaceful enjoyment

- threatens the health or safety of other residents, of employees of the PHA or of owner employees or other persons engaged in management of the housing
- threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity or the premises
    - is drug-related criminal activity or violent criminal activity
- owner has violated obligations under the HAP contract, including but not limited to:
- having a history or practice of non-compliance with the HQS for units leased under the Section 8 programs
- having a history or practice of renting units that fail to meet local housing codes
- committing fraud, bribery, or any other corrupt act in connection with the Section 8 program or any other federal housing program
- engaging in any drug-related criminal activity or any violent criminal activity
- not paying State or City real estate taxes, fines or assessments, water and sewerage bills
- owner has a conflict of interest as described in HUD regulation 24 CFR 982.161(a) and would therefore be unable to enter into a contract with BHA; or owner is employed by BHA as a member of the Section 8 Program staff or is a BHA Commissioner
- when HUD has informed BHA that disapproval is required because:
- owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24
- federal government has instituted an administrative or judicial action against the owner for violating the *Fair Housing Act* or other federal equal opportunity requirements and such action is pending
- court or administrative agency has determined that the owner violated the *Fair Housing Act* or other federal equal opportunity requirements

Before imposing any penalty against an owner, BHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, BHA may restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. BHA may terminate some or all contracts with the owner.

If the landlord has been overpaid as a result of fraud, misrepresentation, or violation of the Contract, BHA may terminate the Contract and arrange for restitution to BHA or the family, as appropriate.

## K. Change in Total Tenant payment (TTP) Prior to HAP Effective Date

When the family reports changes in factors that will affect the *Total Tenant Payment* (TTP) prior to the effective date of the HAP contract, the information will be verified and the TTP will be recalculated. If the family does not report any change, BHA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

## L. Contract Execution Process

BHA prepares the HAP contract and lease for execution. The family and the owner will execute the lease agreement, and the owner and BHA will execute the HAP contract. The anniversary/annual re-examination date will remain the same throughout the program eligibility of the participant. Copies of the documents will be furnished to the parties who signed the respective documents. BHA will retain a copy of all signed documents.

For new owners, the documents are signed at a *Signature Briefing* attended by the owner, family, and a representative of the BHA. The briefing covers the responsibilities and roles of the three parties.

BHA makes every effort to execute the HAP contract on the commencement of the lease term. The HAP contract may not be executed more than 60 days after commencement of the lease term, and no payments will be made until the contract is executed.

The following BHA representatives are authorized to execute a contract on behalf of the BHA: Executive Director or his designee.

Each owner must provide the following information to BHA:

- current address of residence (not a Post Office box)
- business and home telephone number
- employer Identification Number or Social Security Number
- proof of ownership of the property, Grant Deed, Edification Act and Tax Bill or water and sewer bill
- copy of the Management Agreement, if property is managed by a management agent.

## M. Change in Ownership

A change in ownership requires execution of a new contract.

BHA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other

document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

BHA must receive a written request by the old owner in order to change the HAP payee and address to which payment is to be sent.

# Chapter 10

## Housing Quality Standards and Inspections

### A. Introduction

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the contract HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the executed HAP contract. BHA will inspect each unit under contract at least annually. BHA will also perform a quality control inspection of the SEMAP required percentage of all units under contract annually to maintain BHA's required standards and to ensure consistency.

HQS standards may be enhanced by BHA, provided that by doing so, BHA does not overly restrict the number of units available for lease under the program. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and BHA requirements. This Chapter describes BHA's procedures for performing HQS and other types of inspections and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family and the consequences of non-compliance with HQS requirements for both families and owners.

### B. Guidelines/Types of Inspections

BHA has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations. All units must meet the minimum standards set forth by the Puerto Rico. In cases of inconsistency between the Code and HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service at the initial inspection. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner to have the utilities turned on. The Inspector must return to certify that the utilities are on.

The stove and refrigerator must be present when the unit is inspected.

There are five types of inspections the BHA will perform:

- Initial/Move-in
- Annual

- Special/Complaint
- Move-Out/Vacate
- Quality Control

Initial/Move-In Inspections

The Initial/Move-In Inspection is conducted to:

- Determine if the unit and property meet HQS, as defined in this Plan
- Document the current condition of the unit to assist in future evaluations to determine whether the condition of the unit exceeds normal wear and tear
- Document the information to be used for determination of rent reasonableness

BHA will conduct the initial inspection within a reasonable time after receiving a RFTA form from the family. Every effort will be made to conduct the inspection within 15 days of receiving the RFTA.

If the unit fails the initial HQS inspection, the family and owner will be advised to notify BHA once repairs are completed. The owner will be given up to 30 days from the date of the inspection to correct the deficiencies identified depending on the amount and complexity of work to be done.

The owner will be allowed up to two re-inspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family will be advised by BHA staff to select another unit.

Annual Inspections

The BHA conducts HQS inspections at least annually, at least 60 days prior to the anniversary of the previous inspection. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord, unless the tenant is responsible for the deficiency.

The family must allow BHA to inspect the unit at reasonable times with reasonable notice. Reasonable times to conduct an inspection are on business days only between the hours of 8:00 a.m. and 4:30 p.m. Exceptions may apply. BHA will notify the family in writing at least seven days prior to the inspection.

The family is notified of the date and time interval of the inspection appointment by mail. If an adult member of the family is unable to be present, they must reschedule the appointment so that the inspection is completed within ten days.

If the family does not contact BHA to reschedule the inspection, or the family misses two inspections appointments, BHA will consider the family to have violated a family Obligation and the housing assistance will be terminated in accordance with the termination procedures in the Plan.

When the inspection has been completed, the owner and the family will be informed in writing of any items that failed to meet HQS standards. The failed items must be repaired or replaced prior to BHA re-inspection to certify completion of the required work, and the owner must notify BHA when the repairs have been completed.

Re-Inspection

The family is mailed a notice of the re-inspection appointment. If an adult family member is not at home for the re-inspection appointment, a card will be left at the unit, and the tenant is responsible to call for another appointment.

The family is also notified that it is a Family Obligation to allow BHA to inspect the unit. If the family was responsible for a breach of HQS identified in this Plan, they will be advised of its responsibility to correct the deficiency.

If the Inspector is unable to gain access to the unit for the re-inspection, HAP payments are abated as of the first day of the month following the re-inspection. HAP payments cannot begin again until the inspector is able to enter the unit and determine that the unit meets HQS standards. If the inspector has been unable to gain access at the time of the second attempt to conduct a re-inspection, the owner will receive Notice of Contract Termination.

If the family is responsible for the HQS failure and has failed to make the required correction, the family will receive a Notice of Termination of Assistance.

Time Standards for Repair

Emergency items that endanger the family’s health or safety must be corrected within 24 hours of notification.

For non-emergency items, repairs must be made within 30 days of the inspection date

Rent Increases

BHA will conduct an inspection using HQS and other standards approved in this Administrative Plan at least annually prior to the date of the last inspection. Rent increase requests will not be approved if the unit is in a failed condition.

Special/Complaint

If at any time a family, owner, agency, or third party requests a special inspection, BHA will conduct an inspection. BHA will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

Quality Control

Quality Control inspections will be performed on at least the number of files required under SEMAP, of the units inspected by each inspector. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections and to ensure that there is consistency among inspectors in application of the HQS.

Move Out Inspections

The BHA may, at their discretion, conduct a move-out inspection at the request of the tenant and/or landlord. If possible, both the tenant and landlord should be present for this inspection.

**C. Emergency Repair Items**

Emergency repair items must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Housing Inspector. Items considered to be of an emergency nature include but are not limited to the following.

- Lack of security for the unit
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No running hot water
- Broken glass where someone could be injured
- Obstacle that prevents tenant’s entrance or exit
- Lack of functioning toilet

- Lack of water, power or both
- Lack of fire detector

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to effect the repair, proper authorities will be notified by BHA.

If the emergency repair item(s) are not corrected in the time period required by BHA, and the owner is responsible, the HAP payment will be abated and the HAP contract may be terminated.

If the emergency repair item(s) are not corrected in the time period required by the BHA, and it is an HQS breach which is a family obligation, DHC will terminate the assistance to the family and the owner's payment will not be abated.

**D. Determination of Responsibility**

The family is responsible for breaches of HQS caused by:

- Tenant-paid utilities (water, Power) not in service, or
- Failure to provide or maintain family-supplied appliances; or
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear, as defined in this Administrative Plan.

The owner is responsible for all other HQS violations.

The owner is responsible for eliminating vermin infestation, even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. BHA may terminate the family's assistance on that basis.

The inspector will make the determination of owner or family responsibility during the inspection. If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

**E. Consequences if Owner is Responsible-Non-Emergency Items**

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repair(s), BHA will conduct a re-inspection to insure repairs are completed within the time period specified by BHA. If repairs are not completed within the time period specified, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective on the first day following the date of the failed re-inspection.

The BHA will inspect abated units within five days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The family will be notified of the re-inspection date.

No retroactive payments will be made to the owner for the period of time while the rent was abated and the unit did not comply with HQS.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the re-inspection, the owner will be sent a HAP Contract Termination Notice with the Notice of Abatement. The abatement will remain in effect until repairs are completed or the contract is terminated.

If repairs are completed the owner or the tenant must notify BHA and request an inspection before the effective termination date. If the unit is in compliance with HQS, the termination will be rescinded by DHC if the tenant chooses to remain in the unit. Only two HQS inspections will be conducted after the termination notice is issued.

Extension

BHA may grant an extension in lieu of termination of assistance in the following cases:

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services
- The repairs must be delayed due to climate conditions

The extension will be made at the discretion of BHA for a period of time not to exceed 30 days. At the end of the extension, if the work is not completed, BHA will terminate the contract and the tenant will be issued a voucher. BHA may on a case-by-case basis issue a longer extension.

### F. Consequences if Family is Responsible

If non-emergency violations of HQS are determined to be the responsibility of the family, BHA will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, BHA will terminate assistance to the family. . The owner's rent will not be abated for items, which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

# Chapter 11

## Owner Rents, Rent Reasonableness, and Payment Standards

### A. Introduction

BHA is responsible for ensuring that the rents charged by owners are reasonable based upon objective comparables in the rental market. BHA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS and that the rent is reasonable. BHA will determine rent reasonableness at initial lease-up, other change unit, before any increases in rent to owner and at other times as described in this section. BHA will provide the owner with information concerning rent adjustments.

This chapter explains BHA’s procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

### B. Owner Payment in the Housing Choice Voucher Program

The payment to the landlord, called the Housing Assistance Payment, is the lower of the:

1. Payment Standard minus the Total Tenant Payment, or

2. Gross rent minus the Total Tenant Payment.

The voucher size issued to the family is based on BHA's subsidy standards. The payment standard for the family is based on the lesser of the payment standard for the voucher size issued or the gross rent for the unit selected.

The Housing Assistance Payment may never exceed the rent charged by the owner.

### C. Making Payments to Owners

Once the HAP Contract is executed, BHA begins processing payments to the landlord. The effective date and the amount of BHA payment is communicated in writing via the executed HAP Contract. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. Payments are disbursed by BHA Finance Department to the owner each month.

Payments will only be disbursed on the first of the month. Exceptions may be made with the approval of the Executive Director of Assisted Housing in cases of hardship.

Payments are due to owners on the first of the month. Any payment after the first payment under a contract will be considered late if it has not been postmarked by the 15th of the month. Payments that are not received will not be replaced until a stop payment has been processed.

**D. Rent Reasonableness Determinations**

BHA will not approve rental amount until BHA determines that the initial rent to owner is a reasonable rent. BHA will re-determine rent reasonableness whenever an owner requests an increase in the rent for an assisted unit. BHA must also re-determine rent reasonableness if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) date as compared with the FMR in effect one year, prior.

BHA must also re-determine rent reasonableness if directed by HUD and based on a need identified by BHA's auditing system. BHA may elect to re-determine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent s most recently determined or re-determined by BHA.

BHA will determine and document on a case-by-case basis that the approved rent:

- Is reasonable in comparison to rent for other comparable, unassisted units in the market, and
- Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex

The data for other unassisted units will be gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys, and other available sources

The market areas for rent reasonableness are indicated by zip code within BHA’s jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Size (number of bedrooms/square footage)

- Location

- Quality

- Amenities (bathrooms, dishwasher, air conditioning, etc.)

- Housing Services

- Age of unit

- Unit Type

- Utilities

- Maintenance

At least three comparables of unassisted units will be used for each rent determination. All comparables must be based on the rent that the unit would command if leased in the current market. Leased in the current market means that the unit has been leased within the last 360 days.

**E. Voucher Program Payment Standards**

The Payment Standard is used to calculate the housing assistance payment for a family. The Payment Standard is set by BHA between 90% and 100% of the FMR/exception rent. BHA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, BHA will ensure that the Payment Standard is within the range of 90% to 100% of the new FMR.

Adjustments to Payment Standards

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families rents affordable. The BHA will not raise the payment standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the BHA raise Standards if the need is solely to make “high end” units available to voucher holders.

BHA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The payment standard will be reviewed according to HUD’s requirements and this policy and if an increase is warranted, the payment standard will be adjusted within 90% to 100% of the current FMR. In a volatile market, it is BHA’s discretion as to whether to make the change immediately or to wait until the time of the annual review.

BHA may use some or all of the measures below in making its determination whether an adjustment should be made to the payment standard:

Assisted Families' Rent Burdens: BHA will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

Availability of Suitable Vacant Units Below the Payment Standard: BHA will review its rent reasonableness and vacancy rate data to determine whether there is an ample supply of vacant units below the payment standard in areas without minority- and/or high poverty concentration.

Quality of Units Selected: BHA will review the quality of units selected by participant families before determining any change to the payment standard to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

BHA Decision Point: BHA will review the quality and size of units where the rents to owners are above the payment standard by more than 25%. If more than 50% of families have selected above-average units or have selected larger units than the voucher size, BHA may elect not to increase the payment standard or continue the analysis.

If the analysis continues, BHA will divide those rents between contracts within the first year and after the first year. If the rents to owners are more than 25% above the average, in any bedroom size, the BHA will continue the analysis. If not, the BHA may elect not to increase the payment standard for certain bedroom sizes.

Rent to Owner Increases: BHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing: BHA may consider the average time period for families to lease up under the voucher program. If more than 50% of voucher holders are unable to locate suitable housing within the term of the voucher and the BHA determines that this is due to 50% of rents in the jurisdiction being unaffordable for families even with the presence of a voucher, the payment standard may be adjusted.

Rent Reasonableness Database/ Average Contract Rents: BHA will compare the payment standards to average rents in its rent reasonableness data and to the average contract rents by unit size. The payment standards should reflect these amounts.

Lowering of the Payment Standard: Statistical analysis may reveal the payment standard should be lowered, in which case, the payment standard should not be less than 90% of the current FMR. If the FMR is lowered, the payment standard

may not exceed the FMR except in those cases where families are held harmless until they move to a different dwelling unit or have a change in family composition which would affect their voucher size.

Financial Feasibility: Before increasing the payment standard, the BHA may review the budget and the project reserve, to determine the impact projected subsidy increases would have on available funding for the program and number of families served. For this purpose, the BHA will compare the number of families who could be served under a higher payment standard with the number assisted under current payment standards.

File Documentation: A file will be retained by the BHA for at least three years to document the analysis and findings to justify whether or not the payment standard was changed.

**F. Exception Payment Standards**

BHA may request HUD approval to establish a payment standard that is higher or lower for a designated area of the city. BHA will submit a request for a lower payment standard if it determines that a lower payment standard is justifiable based on market data from that area and establishing a lower standard would enable BHA to provide housing assistance to more families.

BHA will request a higher (exception) payment standard for all units, or all units of a given size, within a designated area of the city if it determines that a higher payment standard is needed to help families obtain housing outside areas of high poverty.

**G. Payment Standards for a Family**

Regular Reexamination

If the payment standard decreases during the HAP Contract term, the payment standard for the family is the higher of (1) the payment standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased, or (2) the payment standard at the current or most recent annual exam. If a change in family size or composition occurs affecting the voucher size, the ability to use the initial payment standard will be changed to reflect the appropriate eligibility size for the family.

Interim Examination

If after the beginning of the term of the lease the family has a change in income, family size or composition that would require or allow for an interim adjustment based on BHA's interim policy, BHA will not apply any change in payment standard until the date of the next regular reexamination.

Moves

If the family moves into a different unit prior to its next reexamination and BHA has had a change in the payment standard, the new payment standard will apply The applicable payment standard will be the lower of either the family voucher size issued, or the gross rent of the unit size selected at the time of the move.

**H. Rent Adjustments**

Voucher Rent Adjustments

Owners may not request rent adjustments in the voucher program to be effective prior to the expiration of the first year of the lease. Rent adjustments therefore are effective only after a 60-day written notice to the family and a copy to BHA. BHA will advise the family as to whether the rent is reasonable and may approve or disapprove the rent increase.

# Chapter 12

# Reexaminations

## A. Introduction

BHA will re-examine the income and household composition of all families at least annually. Annual and interim examinations will be processed in a manner that ensures families are given reasonable notice of decreases in the Housing Assistance Payment (HAP) and corresponding increases in tenant rent. This Chapter describes BHA's policy for performing annual reexaminations. It also explains the interim reporting requirements for families, and the standards for timely reporting of changes in family income or composition.

## B. Annual Activities (24 CFR 982.516, 982.405)

There are three activities performed by BHA at least once every year:

1. Reexamination of income, family composition and continued eligibility of student status

2. HQS Inspection

3. Rent to owner Adjustment

## C. Annual Reexaminations (24 CFR 982.516)

BHA reexamines each family's income and composition at least annually. This annual reexamination is done to determine the continued eligibility of the family, and to establish the housing assistance payment (HAP) that will be made by BHA, on behalf of the family, to the owner

Frequency of Annual Reexaminations

The effective date of the annual reexamination is set to match the anniversary date of the HAP contract. This is done first, to ensure every family's reexamination takes effect within a 12-month period, and second, to allow the effective date of changes in HAP, resulting from the reexamination process, to coincide with the anticipated effective date of any changes in the rent to owner if approved by BHA.

Moves Between Reexaminations

When families move to another dwelling, the anniversary date for the next annual reexamination will not be changed to the date when the new HAP contract is

approved and signed. The re-examination anniversary date will always remain the same.

Income limits are not used as a test for continued eligibility at reexamination, unless the family is moving under portability and changing their form of assistance.

Reexamination Notice to the Family

BHA maintains a reexamination tracking system that provides for supervisory monitoring of the timely initiation, progress, and completion of each reexamination. Over time, each family will attend an in-person interview with BHA staff. However, when necessary reexaminations may be performed by mail.

The family will be notified by mail of the reexamination interview, and of additional reexamination requirements, at least 90 to 120 days in advance of the anniversary date. Families are notified of the date of the interview, the location, and what documents are required for the interview. Other items will be mailed and must be returned date stamped to be considered by BHA.

Persons with Disabilities

If requested as a reasonable accommodation by a person with a disability, BHA, to the extent feasible, will provide the notice in an accessible format. BHA will also mail the notice to a third party, if requested as a reasonable accommodation for a person with disabilities.

Persons with disabilities who are unable to attend the reexamination interview will be granted a reasonable accommodation which includes, but is not limited to, performing the interview by mail, at the person's home, or at another location, as requested by the family, upon verification that the accommodation requested meets the need presented by the family.

Documents Required from the Family

In the notification letter to the family, BHA will include instructions for the family to present the following information to BHA staff during the reexamination interview:

- Documentation of all assets
- Documents to support any preference claims
- Documentation of any deductions or allowances
- Documentation of income for all family members (welfare assistance, TANF, Social Security, pension, unemployment Compensations*, Child support, evidence for income tax return forms etc.)

- Personal Declaration Checklist Completed by Head of Household and household members age 18 or older.
- Form HUD 9886 Authorization for Release of Information/Privacy Act Notice
- Credit  Reference
- Certificate of no penal record*
- References letters
- Certification of Marriage or divorce evidence
- Evidence for last update rent payments
- Family picture
- Last bill of water and power agency
- School certificate (all household members that study)
- Any other information required to ensure program compliance.

* Elderly persons (65 age and over) documents not apply.

Note: All household members age 18 or older must sign the document

Collection of Information (24 CFR 982.516(f))

BHA will require the household members age 18 or older to complete a Personal Declaration Checklist prior to the completion of the annual reexamination. BHA will mail the form and any other required documents to the family along with notification of annual reexamination letter. This letter will specify the date and time by which the family must return their documents to BHA.

Requirement to Attend the Annual Reexamination Interview

The written notification will state which family members are required to attend the interview. All adult household members over the age of 18 must attend the interview. If there is a scheduling conflict, the family, has up to ten days prior to the interview, to call BHA and request another appointment. The head of household is required to attend the reexamination interview. If the head of household is unable to attend, the appointment will be rescheduled. When reexaminations are performed by mail, family members will not be required to attend an interview.

Failure to Attend the Reexamination Interview

If the family does not appear for the interview, and has not rescheduled or made prior arrangements, then BHA will schedule a second appointment. If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, BHA will terminate assistance to the family and they will have 10 days to request a hearing.

Exceptions to this policy may be made by the Assisted Housing Director or corresponding designee if the family is able to document an emergency situation that prevented them from canceling or attending the appointment, or, if requested, as a reasonable accommodation for a person with a disability.

Verification of Information

BHA will follow the verification procedures and guidelines described in another Chapter of this Administrative Plan. Verification documents for reexaminations must be current within 120 days of the Annual Re-examination anniversary date.

Tenant Rent Increases- BHA must approve

If a family's tenant rent increases, a 30-day notice must be mailed to the family prior to the anniversary date. If less than thirty days are remaining before the anniversary date, then the tenant rent increase will be effective on the first of the month following the 30-day notice. If there has been a misrepresentation or a material omission by the family, or if the family caused a delay in the reexamination processing, the rent increase will be effective on the anniversary date regardless of whether the family has been given 30 days notice or the anniversary date has already passed and the increase must be imposed retroactively.

Tenant Rent Decrease

If tenant rent decreases, more than 60 days prior the annual re-examination, and the participant furnished the information timely and request a change, it will become effective prior to the anniversary date. If the family causes a delay so that the processing of the reexamination is not completed by the anniversary date, a rent decrease will be effective on the first day of the month following completion of the reexamination processing by BHA.

Notification of Annual Reexamination Results

BHA will notify the family and the owner of the results of the annual reexamination in writing. Decreases in the family's share of the rent are effective on the first day of the month following the change. Increases in tenant rent are effective on the first day of the month after at least a 30-day prior notice has been given to the family announcing the increase in the tenant's share of rent payment. The notice will inform the family and the owner of the amount and effective date of the new HAP, the amount and effective date of the new family share of the rent, and the amount and effective date of the new rent to owner.

If the family's total tenant payment (TTP) increases as a result of the reexamination, the assisted family will have opportunity for an informal

hearing. BHA will follow the verification procedures and guidelines described in this Administrative Plan. Verifications for reexaminations must be less than 120 days old.

Families Ineligible for Continued Assistance

If the annual reexamination results in zero HAP, the family may continue as a program participant for six months from the date of the reexamination effective date. During that period the HAP contract between the PHA and the owner remains in effect. If the family circumstances change during the six-month period and the family again needs assistance, then BHA will conduct an interim reexamination and reinstate assistance. At the end of six months, however, if the subsidy has not been restored, the HAP contract will terminate. BHA will then provide both the family and the owner with 30 days of advance written notice of the proposed termination and of the opportunity to request an informal hearing.

Interim Reexaminations (24 CFR 982.516)

Interim examinations are performed at any time when deemed necessary—for example, to account for seasonal or irregular income, to balance staff workload, or for other good reasons. Interim examinations are also performed when a family makes a request for one, or when family reported fluctuations (in income or composition) require an interim reexamination. BHA will use the results of interim examinations to adjust the total tenant payment, and continue to provide accurate levels of housing assistance to the owner, on behalf of the family. In each instance mentioned above, both the family and the owner will receive a written notification of the results of the interim re-examination and the effective date of the change.

**D. Reporting Interim Changes**

When a family experiences a change in either income, or family composition, they must report the change within 30 days of its occurrence. The family must also include, at the time they report their changes to BHA, any information, document, or signatures needed to verify that a change has occurred. If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

See the section below titled, “Changes not reported in a timely manner.”

Increases in Income and Assets

BHA may perform interim reexaminations when families experience an increase in income. Families, however, are still required to report all increases in income

or assets of all of the household members to BHA in writing or orally within 30 days of the increase.

Decreases in Income

Families must report a decrease in income and any other changes, which would reduce the amount of tenant rent, such as an increase in allowances or deductions. BHA will calculate the change if a decrease in income is reported.

BHA Errors

If BHA makes a calculation error either at admission to the program an annual reexamination, or during an interim change, BHA will perform a correction to correct the error and no retroactive charge will be applied to the family.

Changes in Family Composition

HUD requires program participants to report all changes in household composition to BHA between annual reexaminations. This includes additions due to birth, adoption, marriage, and court-award custody. All changes in family composition must be reported within 30 days of the occurrence. The family must obtain BHA's and the owner's written approval prior to all other additions to the household.

BHA will approve additions to the household in the following cases:

- addition due to birth, adoption or court-awarded custody
- one additional bedroom for a BHA-approved live-in attendant
- addition by marriage/or marital-type relation, if issued a zero bedroom sized subsidy
- addition of a minor who is a member of the family, and had been living elsewhere.

If any new family member is added, family income must include any income of the new family member. BHA will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size. If a change requires a larger size unit due to overcrowding, BHA will issue a voucher for the family to search for a new unit.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the new member being approved as part of the assisted family.

BHA may deny a family's request to add additional family members who:

- have been evicted from public housing
- do not meet BHA's definition of family
- commit drug-related criminal activity or violent criminal activity
- have engaged in or threatened abusive or violent behavior toward BHA personnel
- have been part of a family whose assistance has been terminated under voucher program
- have previously violated a family obligation listed in 24CFR982.51 of HUD regulations
- commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- have been convicted of manufacturing methamphetamine on the premises of a dwelling where voucher subsidy is provided to the tenant
- currently owe rent or other amounts to BHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act

BHA may also deny a family's request to add additional family members, if the addition will cause the family to be under housed and require a larger unit size.

Families are required to notify BHA if any family member leaves the assisted household. When the family notifies BHA, it must furnish the following information within ten business days:

- the date the family member moved out
- documentation of the new address of the family member, if known, or provide other verification or documentation to substantiate the absence/move
- court documents verifying divorce, separation or new custody arrangements

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification. Any changes reported by participants other than those listed in this section will be noted in the file by the staff person and may not be processed between regularly scheduled annual reexaminations.

In instances where fraud is suspected, an interim recertification of the family may be required. Form HUD-50058 will be completed and transmitted as required by HUD to record changes. The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by BHA. If the family disagrees with the rent adjustment they may request an informal hearing.

Income Changes Resulting from Welfare Program Requirements (24 CFR 5.615)

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

1. Fraud in connection with the welfare program; or

2. Non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Families Affected by Welfare Rules

Families are affected by the welfare rules discussed above if they receive benefits for welfare or public assistance from a state or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of Imputed Welfare Income

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

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

1. the reason for the reduction
2. the term of the benefit reduction
3. the amount of the benefit reduction
4. subsequent changes in the term or amount of the benefit reduction

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

The amount of the imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted resident when the welfare sanction began, imputed welfare income will not be included in annual income.

Verification Before Denying a Request to Reduce Rent

BHA will obtain written verification or verbal phone verification from the welfare agency stating that the family's benefits have been reduced due to fraud or non-compliance with welfare agency economic self-sufficiency or work activity requirements before denying the family's request for rent reduction.

BHA will rely on the welfare agency's written notice or verbal phone verification regarding welfare sanctions.

Notification Procedures When Interim Changes Reported Affect Tenant Rent

BHA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Changes Reported in Timely Manner (24 CFR 982.516(c))

Increases in the Tenant Rent are effective on the first of the month following at least a 30-day notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change occurred. No rent reductions will be processed, however, until all the facts have been verified, even if a retroactive adjustment results.

Changes Not Reported in a Timely Manner

If the family does not report the change in a timely manner, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement or make a lump sum payment.

Decrease in Tenant Rent will be effective on the first of the month following completion of processing by BHA and not retroactively.

Changes Not Processed by BHA in a Timely Manner

"Processed in a timely manner," means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the

change cannot be made effective on that date, the change is not processed by BHA in a timely manner.

Increases in Tenant Rent will be effective after the required 30-day notice prior to the first of the month after completion of processing by the BHA.

Decreases in Tenant Rent. The overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

# Chapter 13

## Moves with Continued Assistance/Portability

### A. Introduction

HUD regulations permit families to move with continued assistance to another unit within BHA's jurisdiction, or to a unit outside of BHA's jurisdiction under portability procedures. The regulations also allow BHA the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of the BHA's jurisdiction, and the policies for restriction and limitations on moves.

### B. Allowable Moves

A family may move to a new unit if:

- The assisted lease for the old unit has terminated because BHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
- The family has given proper written notice of lease termination to the owner and provided a copy to BHA (if the family has a right to terminate the lease on notice to owner).

### C. Restrictions on Moves

Families will not be permitted to move within Mayagüez or outside BHA's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period (unless required to do so by BHA to meet HQS or other program standards). See the Administrative Plan Chapter on Housing Quality Standards.

BHA will deny permission to move if there is insufficient funding for continued assistance

BHA may deny permission to move if:

- The family has violated a Family Obligation.
- The family owes money to BHA.
- The family has moved or been issued a voucher within the last six months.
- The Executive Director or designee may make exceptions to these restrictions on a case-by-case basis to minimize family hardship.

**D. Procedure for Moves**

Issuance of Voucher

Upon request from the family, BHA will schedule the family for a mini briefing, issue a voucher and moving packet.

If the family does not locate a new unit, it may remain in the current unit so long as the owner provides written permission and provides a copy to BHA.

The annual recertification date will not be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and BHA proper written notice of any intent to move.

The family must give the owner at least 30 of days written notice of intent to vacate (or fewer if so specified in the lease) and must give a copy of the vacate notice to BHA simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In any other move, assistance stops at the old unit based on the notice to vacate, and is usually at the end of a month unless proper notice was given to end a lease mid-month, in which payments will cease at the end of the month. Assistance will start on the new unit on the effective date of the contract.

## E. Portability

Portability applies to families moving into or out of BHA's jurisdiction. Under portability, families are eligible to receive assistance to lease a unit outside of BHA's jurisdiction. The unit may be located:

- In the same region as the BHA.
- In the same metropolitan statistical area (PR) as the BHA, but in a different town.
- In the jurisdiction of a PHA anywhere within the United States that administers a tenant based program.

## F. Outgoin0g Portability

When a family requests to move outside of the BHA's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one PHA in the area in which the family has selected a unit, BHA will choose the receiving PHA.

If the family is moving to a unit located in an area where there is no PHA, BHA will be responsible for the administration of the family's assistance. In such a situation, BHA will choose a management company, another PHA, or a private contractor to administer the assistance.

Restrictions on Portability

Families will not be permitted to exercise portability under the following circumstances:

During the initial 12 month period after admission to the program, if neither the head, spouse or co-head had a domicile (legal residence) in BHA's jurisdiction at the date of their initial application for assistance.

- If the family is in violation of a family obligation.
- If the family owes money to BHA.
- BHA has the authority to deny a family's request to move under the portability procedures to a unit in another jurisdiction that would require BHA to pay a higher subsidy cost for the same family's assistance and the receiving PHA will not absorb the family.

Outgoing Portability Procedures

BHA will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up,

the BHA will determine if the family is within the very low-income limit of the receiving PHA.

BHA will notify the receiving PHA that the family wishes to relocate into its jurisdiction.

BHA will advise the family on how to contact and request assistance from the receiving PHA and will notify the receiving PHA that the family will be moving into its jurisdiction.

BHA will provide the following documents and information to the receiving PHA:

- Family Portability Form HUD 52665
- Copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
- Most recent HUD 50058 form and verifications.
- Declarations and verifications of U.S. citizenship/eligible immigrant status.
- Names of BHA staff designated for inquiries on eligibility and billing.
- Administrative fee schedule for billing purposes.
- The receiving PHA must notify BHA whether:
- It will absorb the family into its program.
- Family leases up or fails to submit a RFTA by the required date.
- Assistance to the portable family is terminated.
- Family requests to move to an area outside the receiving PHA's jurisdiction.

Payment to the Receiving PHA

BHA will requisition funds from HUD based on the anticipated lease-ups of portable Vouchers in other jurisdictions. Payments for families in other jurisdictions will be made to other PHA's when billed or in accordance with other HUD approved procedures for payment.

When billed, BHA will reimburse the receiving PHA for 100% of the Housing Assistance Payment, 100% of the Special Claims paid on HAP contracts effective prior to October 2, 1995, and 80% of the Administrative Fee (at the initial PHA's rate), and any other HUD-approved fees.

Debts

BHA will be responsible for collecting Debts owed by the family to BHA and for monitoring the repayment. BHA will notify the receiving PHA if the family is in arrears or if the family has refused to sign a repayment agreement, and the receiving PHA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving PHA will be required to submit hearing determinations to BHA within 10 days.

**G. Incoming Portability**

Absorption or Administration

BHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher based on the availability of funding. If administering, the family will be issued a “Portability” Voucher by BHA with the same start date. BHA may grant extensions in accordance with this Administrative Plan.

When BHA does not absorb the incoming voucher, it will administer the initial PHA's voucher and BHA's policies will prevail.

For initial lease-up, the family must be within BHA's Very-Low Income limits.

BHA will issue a “Portability Voucher" according to its own subsidy standards. If the family has a change in family composition that would change the voucher size ,BHA will change to the proper size based on its own subsidy standards.

BHA will decide whether to extend the "Portability Voucher" and for what period of time. If the family decides not to lease-up in BHA's jurisdiction, however, the family must request an extension from the initial PHA.

Income and TTP of Incoming Portables

As receiving PHA, BHA will conduct a recertification interview but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family’s circumstances.

If BHA conducts a recertification of the family, it will not cause a delay in the issuance of the voucher.

If the family’s income is such that a $0 subsidy amount is determined prior to lease-up in the BHA’s jurisdiction, the BHA will refuse to enter into a contract on behalf of the family at $0 assistance.

Requests for Lease Approval

A briefing will be mandatory for all portability families.

When the family submits an RFTA, it will be processed using BHA's policies. If the family does not submit an RFTA or does not execute a lease, the initial PHA will be notified by BHA within 15 days of the expiration of the initial voucher.

If the family leases up successfully, BHA will notify the initial PHA within 15 days, and the billing process will start.

If the BHA denies assistance to the family, the BHA will notify the initial PHA within 15 days and the family will be offered a review or hearing.

BHA will notify the family of its responsibility to contact the initial PHA if the family wishes to move outside of BHA's jurisdiction under continued portability.

Terminations

BHA will notify the initial PHA in writing of any termination of assistance within 15 days of the termination. If an informal hearing is required and requested by the family, the hearing will be conducted by BHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the initial PHA.

The initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial PHA notifies the BHA that the family is in arrears or the family has refused to sign a repayment agreement, BHA will terminate assistance to the family.

Required Documents

As receiving PHA, BHA will require the documents listed on the HUD Portability Billing Form from the initial PHA:

- Copy of the family's voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
- Most recent HUD 50058 form and verifications.
- Declarations and verifications of U.S. citizenship/eligible immigrant status.
- Names of BHA staff designated for inquiries on eligibility and billing.
- Administrative Fee Schedule for billing purposes.

Billing Procedures

As receiving PHA (in cases in which BHA does not absorb a family), BHA will bill the initial PHA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be at least quarterly unless requested otherwise by the initial PHA.

BHA will bill 100% of the Housing Assistance Payment, 100% of Special Claim and 80% of the Administrative Fee (at the initial PHA's rate) and any other HUD-approved fees, for each "Portability" voucher leased as of the first day of the month.

BHA will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify BHA of changes in the administrative fee amount billed.

# Chapter 14

# Contract Terminations

## A. Introduction

The Housing Assistance Payments (HAP) Contract is the contract between the owner and BHA, which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the BHA and the owner, and the policies and procedures for such terminations.

## B. Contract Termination

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the BHA may be terminated by BHA, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the BHA to the owner after the month in which the Contract is terminated. The owner must reimburse BHA for any subsidies paid by the BHA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for a new unit may begin during the month in which the family moved from the old unit.

## C. Termination by the Family: Moves

Family terminations of the lease must be in accordance with the terms of the lease. See Chapter 13 on “Moves with Continued Assistance”

## D. Termination by the Owner: Evictions

If the owner wishes to terminate the lease, the owner is required to evict, using the notice procedures in the HUD regulations and Puerto Rico law. The owner must provide BHA with a copy of the eviction notice.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under Puerto Rico law to commence an eviction action.

During the term of the lease the owner may only evict for the following reasons:

- Serious or repeated violation of the terms and conditions of the lease.
- Violation of Federal, State or local law related to occupancy of the unit or use of the premises.
- Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.
- Any drug-related criminal activity on or near the premises.
- Tenant history of disturbance of neighbors (excluding acts of domestic violence), destruction of property, or behavior resulting in damage to the premises.
- Other good cause, after the first year of the lease, including business or economic reason for regaining possession of the unit; owner's desire to repossess the unit for personal use; or tenant's refusal to accept offer of a new lease.

BHA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for BHA termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the BHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The BHA must continue making housing assistance payments to the owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By endorsing the monthly check from BHA, the owner certifies that the tenant is still in the unit and she/he is in compliance with the contract. If action is finalized in court, the owner must provide BHA with the documentation, including notice of the lock-out date.

If the eviction is not due to a serious or repeated violation of the lease, and if the BHA has no other grounds for termination of assistance, the BHA will issue a new Voucher so that the family can move with continued assistance.

### E. Termination of the Contract by BHA

The term of the HAP contract terminates when the lease terminates, when the BHA terminates program assistance for the family, and when the owner has breached the HAP contract.

BHA may also terminate the contract if:

- BHA terminates assistance to the family.
- Family is required to move from a unit, which is under-occupied, or overcrowded.
- Funding is no longer available under the ACC.
- If 180 days have passed since the last housing assistance payment to the owner.

### F. Termination Due to Owner Disapproval

If the BHA terminates the contract due to owner disapproval, BHA will provide the owner and family with at least 30 days written notice of termination of the contract.

# Chapter 15

# Termination of Assistance

## A. Introduction

BHA may terminate assistance for a family because of the family's action or failure to act. BHA will provide families with a written description of the Family Obligations under the program, the grounds under which BHA can terminate assistance, and BHA's informal hearing procedures. This chapter describes when the BHA is required to terminate assistance and BHA's policies regarding the grounds for termination of assistance under an outstanding HAP contract.

If termination is based upon behavior resulting from a disability, the BHA will delay the determination in order to determine if there is an accommodation that would mitigate the behavior resulting from the disability.

## B. Grounds for Terminating Assistance

Termination of assistance may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease.
- Terminating HAP payments under an outstanding HAP contract.
- Refusing to process or provide assistance under portability procedures.
- Student under the age of 21 that no longer meets the criteria of being Independent student as defined by U.S. Department of Education

<u>Mandatory Termination of Assistance</u>

BHA will terminate the assistance of participants:

- If any member of the family fails to sign and submit to BHA required consent forms for obtaining information.
- If no member of the family is a U.S. citizen or eligible immigrant.
- If the family is under contract, and 180 days have elapsed since the BHA's last housing assistance payment was made.
- Any member of the family has been convicted of manufacturing or producing methamphetamine on the premises of the assisted dwelling.

<u>Grounds for Termination of Assistance</u>

- BHA will terminate assistance to participants in cases where it determines that there is reasonable cause to believe that the person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other

residents. This includes cases where BHA determines that there is a pattern of illegal use of a controlled substance, or pattern of alcohol abuse.

- BHA will consider the use of a controlled substance or alcohol to be a pattern if there has been more than one incident during the previous 12 months.
- BHA may waive this policy if the person demonstrates to its satisfaction that the person is no longer engaging in the illegal use of a controlled substance or abuse of alcohol, and:
- Has successfully completed a supervised drug or alcohol rehabilitation program;
- Has otherwise been rehabilitated successfully; or
- Is participating in a supervised drug or alcohol rehabilitation program.

BHA may at any time terminate program assistance for a participant, for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551.
- The family has not reimbursed BHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family.
- The family breaches an agreement with BHA to pay amounts owed to BHA, or amounts paid to an owner by BHA.
- The family has engaged in or threatened abusive or violent behavior toward BHA personnel.

“Abusive or violent behavior towards BHA personnel” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

“Threatening” refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

- BHA has reason to believe a member of the household is using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- BHA has a reason to believe a member of the household has participated in violent criminal activity.
- Other criminal activity which may threaten the health or safety of other residents, the owner, property management staff or persons performing

responsibilities on behalf of the BHA or the peaceful enjoyment of the premises by other residents.

- BHA determines that a member of the household is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees or a high misdemeanor in Puerto Rico.
- BHA determines that a member of the household is violating a condition of probation or parole imposed under Federal or State law.

BHA may also deny the request of a participating family to add a household member if that person is found to be ineligible for assistance after a review against the above criteria.

**C. Family Obligations**

- The family must supply any information that the BHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status, as provided by 24 CFR part 812.
- The family must supply any information requested by the BHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
- The family must disclose and verify social security numbers, as provided by 24 CFR part 750, and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.
- All information supplied by the family must be true and complete.
- The family is responsible for an HQS breach caused by the family as described in 982.404(b).
- The family must allow the BHA to inspect the unit at reasonable times and after reasonable notice.
- The family may not commit any serious or repeated violation of the lease.
- The family must notify the owner and, at the same time, notify the BHA before the family moves out of the unit or terminates the lease on notice to the owner.
- The family must promptly give the BHA within ten calendar days a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family’s only residence.
- The composition of the assisted family residing in the unit must be approved by the BHA. The family must promptly inform the BHA of the birth, adoption or court-awarded custody of a child. The family must obtain owner and BHA approval to add any other family member as an occupant of the unit.
- The family must promptly notify the BHA within ten calendar days if any family member no longer resides in the unit.

- If BHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or BHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
- Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
- The family must not sublease or let the unit.
- The family must not assign the lease or transfer the unit.
- The family must supply any information or certification requested by the BHA to verify that the family is living in the unit, or relating to family absence from the unit, including any BHA-requested information or certification on the purposes of family absences. The family must cooperate with BHA for this purpose. The family must promptly notify BHA of absence from the unit.
- The family must not own or have any interest in the unit.
- The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
- The members of the family may not engage in drug-related criminal activity or violent criminal activity.
- An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

Housing Authority Discretion

In deciding whether to terminate assistance because of action or failure to act by members of the family, BHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, to the extent of participation or culpability of individual family members, and the length of time since the violation occurred. It may also review the family's more recent record of compliance and consider the effects of termination of assistance on other family members who were not involved in the action or failure to act.

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

Enforcing Family Obligations

Explanations and Terms:

The term “Promptly” when used with the Family Obligations always means “within 10 days.” Termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach: The Inspector or Inspections Supervisor will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Inspector or Inspections Supervisor.

Lease Violations: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance.

- If the owner terminates tenancy through court action for serious or repeated violation of the lease; or
- If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the BHA determines that the cause is a serious or repeated violation of the lease based on available evidence; or
- If there are police reports, neighborhood complaints or other third party information, and BHA has verified the information, and
- Non-payment of rent is considered a serious violation of the lease.

Notification of Eviction: If the family requests assistance to move and they did notify BHA of an eviction within 10 days of receiving the Notice of Lease Termination, the move will be denied.

Limitation on Profit-Making Activity in Unit: BHA may prohibit use of a dwelling unit for profit-making activity if it determines that the use of the unit as a business is not incidental to its use as a dwelling unit, or the business activity results in the inability of the family to use any of the critical living areas, such as a bedroom, or if BHA determines the business is not legal.

Interest in Unit: The owner may not reside in the assisted unit regardless of whether the owner is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Housing Choice Voucher Program.

Drug-related or Violent Criminal Activity

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance on or off the premises.

Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and

has recovered or is recovering from the addiction and does not currently use or possess the substance.

Violent criminal activity includes any criminal activity engaged in by any family member that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible includes documentation of drug raids or arrest warrants.

BHA may pursue fact-finding efforts as needed to obtain credible evidence.

Notice of Termination of Assistance

In any case where the BHA decides to terminate assistance to the family, the BHA must give the family written notice which states:

- Reason(s) for the proposed termination.
- Effective date of the proposed termination.
- Family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
- Date by which a request for an informal hearing must be received by BHA.

BHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the termination of assistance. The notice to the owner will not include any details regarding the reason for termination of assistance.

**D. Procedures for Non-Citizens**

Termination Due to Ineligible Immigrant Status

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

## Temporary Deferral of Termination of Assistance

Ineligible families who were participants as of June 19, 1995, may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

## False or Incomplete Information

When the BHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by a participant, an investigation will be conducted and the individual will be given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the BHA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The BHA will then verify eligible status and terminate or prorate the assistance as applicable.

The BHA will terminate assistance based on the submission of false information or misrepresentations.

## Procedure for Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with BHA either after the INS appeal or in lieu of the INS appeal.

After BHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

## E. Zero Assistance Tenants

HAP Contracts Executed On or After 10/2/95

The family may remain in the unit at $0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the contract will be terminated.

If, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment before the contract terminates, BHA will resume assistance payments for the family. A family may move to another unit before the contract is terminated and receive assistance if the rent for the new unit will result in a housing assistance payment.

## F. Option Not to Terminate for Misrepresentation

If the family has misrepresented any facts that caused BHA to overpay assistance, BHA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses the BHA in full.

## G. Misrepresentation in Collusion with Owner

If the family is willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the BHA may terminate assistance. In making this determination, the BHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

## H. Missed Appointments and Deadlines

It is a Family Obligation to supply information, documentation, and certification as needed for the BHA to fulfill its responsibilities. BHA schedules appointments and sets deadlines in order to obtain the required information. The 'Family Obligations' also require that the family allow BHA to inspect the unit, and appointments are made for this purpose.

A participant who fails to keep an appointment or to supply information required by a designated deadline without notifying BHA may be sent a Notice of Termination of Assistance for failure to provide the required information or for failure to allow BHA to inspect the unit.

The family will be given information about the requirement to keep appointments, and the number of times appointments will be rescheduled as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Verification Procedures.
- Voucher Issuance and Briefings.
- Housing Quality Standards and Inspections.
- Re-certifications.
- Informal Hearings

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency.
- Incarceration.
- Family emergency.

Procedure When Appointments Are Missed or Information Not Provided

For most purposes in this Plan, the family will be given two opportunities before being issued a Notice of Termination for breach of a family obligation.

After issuance of a termination notice, if the family offers to correct the breach within the time allowed to request a hearing, the notice may be rescinded if the family offer to cure the breach and the family does not have a history of non-compliance.

## Chapter 16:

## Owner Disapproval, Restriction, and Changes in Ownership

The policies in this Chapter describe the criteria for disapproving an owner's participation in the program.

### A. Disapproval of Owner [24 CFR 982.306, 982.54 (d)(8)]

For purposes of this section, "owner" includes a principal or other interested party.

An owner will not be approved if BHA is informed by HUD that:

1. The owner has been disbarred, suspended, or is subject to a limited denial of participation under 24 CFR part 24

2. The Federal government has instituted an administrative or judicial action against the owner for violating the Fair Housing Act or other federal equal opportunity requirements and such action is pending

3. A court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements

An owner will not be approved for any of the following reasons:

1. Owner has violated obligations under the Housing Assistance Payments contract, including but not limited to:

a. Having a history or practice of non-compliance with the HQS for units leased under the Section 8 programs

b. Having a history or practice of renting units that fail to meet local housing codes

c. Committing fraud, bribery or any other corrupt act in connection with the Section
8 program or any other federal housing program

d. Engaging in any drug-related criminal activity or any violent criminal activity

e. Not paying Puerto Rico State, or local, real estate taxes, fines or assessments, water and sewerage bills

2. Owner has a history or practice of failing to terminate the tenancy of residents occupying units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

a. Threatens the right to peaceful enjoyment

b. Threatens the health or safety of other residents, of employees of the PHA or of owner employees or other persons engaged in management of the housing

c. Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity or the premises

d. Is drug-related criminal activity or violent criminal activity

3. Owner has a conflict of interest as described in HUD regulation 24 CFR 982.161(a) and would therefore be unable to enter into a contract with BHA; or owner is employed by BHA as a member of the Section 8 Program staff or is a BHA Commissioner.

4. The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD or with financing from other local or state government agencies.

5. The owner has engaged in actual physical abuse or has threatened abusive or violent behavior toward a resident, a member of the public, or BHA personnel. Note:

a. “Abusive or violent behavior” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for disapproval of an owner.

b. “Threatening” refers to oral or written threats, or physical gestures, that communicate intent to abuse or commit violence.

Before imposing any penalty against an owner, BHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

## B. Renting from Relatives

The owner may not be a parent, child, grandparent, grandchild, sister or brother of any participant. BHA may waive this restriction as a reasonable accommodation when a household member is a person with a disability.

Owners may not live in the same unit with assisted family members in a lease-shared housing arrangement unless specifically approved by HUD.

In cases where the owner and tenant bear the same last name, BHA may, at its discretion, require the participant or owner to state whether they are related to each other, and if so in what manner.

## C. Limitations on Owner's Participation and Termination [24 CFR 982.453]

If an owner is guilty of frequent or serious Housing Assistance Payment (HAP) Contract violations, including repeated failure to enforce lease agreements with assisted families, or has committed fraud, bribery, or any other corrupt or criminal act, or has engaged in drug related criminal activity, the HAP contract with the owner may be terminated and the owner prohibited from future participation in the program for a period of time commensurate with the seriousness of the offense.

If the landlord has been overpaid as a result of fraud, misrepresentation, or violation of the Contract, BHA may terminate the Contract and arrange for restitution to BHA or the family, as appropriate.

<u>Change in Ownership</u>

A change in ownership requires execution of a new HAP Contract, at the next annual re-examination or sooner, if the new owner elects to execute a new lease However BHA and the new owner may complete an Assignment of HAP Contract and Lease document that will affirm the new owner's agreement with the HAP Contract(s) already in effect for the affected families, and the new owner's willingness to be bound by the terms of the existing lease.

BHA will process a change of ownership only upon the written request of the new owner and only if accompanied by proof of ownership such as a copy of the escrow statement or other document showing the transfer of title or recorded deed. Additionally, a copy of the new owner's Employee Identification Number or Social Security Number and photo identification are required.

# Chapter 17

## Owner or Family Debts to BHA

### A. Introduction

This Chapter describes BHA's policies for the recovery of monies that have been overpaid for families and to owners. It describes the methods that will be used for collection of monies and the guidelines for different types of debts.

It is BHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support BHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the BHA, the BHA will make every effort to collect it. The BHA will use a variety of collection tools to recover debts including, but not limited to:

- Civil suits
- Abatements
- Credit bureaus
- Collection agencies
- Repayment agreements
- Reduction in HAP to owner
- Income Tax set-off programs
- Requests for lump sum payments

### B. Repayment Agreement for Families (24 CFR 982.552 (c)(v-vii)

A repayment agreement as used in this Plan is a document entered into between BHA and a person who owes a debt to BHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of repayment, any special provision of the agreement, and the remedies available to BHA upon default of the agreement.

<u>BHA May Decline to Enter Into a Payment Agreement</u>

BHA, in its sole discretion, may enter into payment agreements with owners and participants. BHA will generally not enter into payment agreements when:

- There is an existing payment agreement between BHA and the family

- BHA determines that the family has committed or has attempted to commit program fraud
- BHA determines that the amount owed is more than the participant can repay in a reasonable period of time

Terms and Conditions of Payment Agreements

BHA shall prescribe the terms and conditions of any payment agreement.

Term

The payment agreement term shall generally be for 12 months or less, but shall in any event be the minimum time period in which the family can be reasonably expected to repay the debt owed. The Assisted Housing Director may approve terms of up to 24 months when necessary.

First Payment Required Upon Execution of Payment Agreement

The participant shall, prior to execution of the Payment Agreement, make an initial payment equal to the total amount due divided by the number of months of the term of the payment agreement (e.g. 1/12th for a 12 month payment plan, 1/18th for an 18 month payment plan, etc.).

The Assisted Housing Director may approve a decrease in the monthly payment for families who experience a hardship, provided that the family requests a decrease in a reasonable time and provides verification of the hardship. The change in monthly payment shall be made an attachment to the payment agreement and shall be signed by the Assisted Housing Director and the family. The term of the payment agreement shall be lengthened accordingly, up to a maximum of 24 months.

Execution

Payment Agreements shall be executed by the head of the household and the co-head or spouse, as applicable.

The Payment Agreement shall be executed for BHA by the Assisted Housing Director or designee.

Cashier Check or Money Order

Payments shall be made by money order or cashier’s check.

## C. Late Payments

A payment will be considered to be in arrears if the payment has not been received by the close of business three days after the due date. If the due date falls on a weekend or holiday, payment will be due at the close of the next business day.

If the family's repayment agreement is in arrears, the BHA may:

- Require the family to pay the balance in full.
- Pursue civil collection of the balance due.
- Terminate the housing assistance.
- Grant an extension of 10 days.

Requests to Move

No move will be approved until the debt is paid in full, unless the move is the result of one of the following causes:

- Family size exceeds the HQS maximum occupancy standards;
- HAP contract is terminated due to owner non-compliance or opt-out;
- Man made or Natural disaster
- The move is pursuant to a reasonable accommodation approved by BHA
- The move is necessary as a result of domestic violence, with documentation of police reports and a court-ordered restraining order

If the family has a repayment agreement in place and incurs an additional debt to the BHA, BHA will not enter into more than one repayment with the family. Any new debts must be paid in full.

## D. Debts due to Fraud or Non-Reporting of Information

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

"Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements."

Family Error/Late Reporting

Families who owe money to BHA due to program fraud or the family's failure to report increases in income will be required to repay in accordance with the guidelines in the repayment section of this chapter.

Program Fraud

If a family owes an amount that equals or exceeds $2,500 as a result of program fraud, the case will be referred to Inspector General. Where appropriate, the BHA will refer the case for criminal prosecution.

**E. Owner Debts to BHA**

If BHA determines that the owner has retained Housing Assistance or Claim Payments that the Owner is not entitled to, the BHA may reclaim the amounts from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, the BHA will:

- Require the owner to pay the amount in full within 30 days or enter into a Repayment Agreement for the amount owed.
- Pursue collections through the local court system.
- Restrict the owner from future participation.

**F. Writing off-Debts**

Debts will be written-off if:

- the debtor's whereabouts are unknown and the debt is more than seven years old
- a determination is made that the debtor is judgment proof
- the debtor is decreased and has no estate
- the debtor is confined to an institution indefinitely or for more than five years
- the amount is less than $500 and the debtor cannot be located

# Chapter 18

# Complaints and Appeals

## A. Introduction

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of BHA. This Chapter describes the policies, procedures and standards to be used when families disagree with a BHA decision. The procedures and requirements are explained for informal reviews and hearings. It is the policy of BHA to ensure that all families have the benefit of all protections due to them under the law.

## B. Complaints to BHA

BHA will respond promptly to complaints from families, owners, employees, neighbors of participants, and members of the public. All complaints will be documented. BHA may require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

The categories of complaints are:

- initial complaints from families when the family disagrees with an action or inaction of BHA or owner
- initial complaints from owners when the owner disagrees with an action or inaction of BHA or a family
- initial complaints or referrals from the general public or persons in the community or officials regarding BHA, a family or an owner
- complaints from staff when a staff person reports an owner or family either violating or not complying with program rules

## C. Informal Review Procedures for Applicants

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

When the BHA determines that an applicant is ineligible for the program or for a preference claimed, the family must be notified of their ineligibility in writing. The notice must contain:

- reason(s) they are ineligible
- procedure for requesting a review if the applicant does not agree with the decision

- time limit for requesting a review
- BHA must provide applicants with the opportunity for an informal review of decisions denying the following:
    - listing on BHA's waiting list
    - qualification for preference
    - issuance of a Voucher
    - assistance under portability procedures
    - participation in the program
- Informal reviews are not required for established policies and procedures and BHA determinations such as:
    - discretionary administrative determinations by BHA
    - general policy issues or class grievances
    - determination of the family unit size under the BHA subsidy standards
    - refusal to extend or suspend a Voucher
    - disapproval of lease
    - determination that unit is not in compliance with HQS
    - determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an informal review must be received by the close of the business day, no later than 10 days from the date of receipt of BHA's letter denying assistance. The informal review will be scheduled within a reasonable time frame (generally within 30 days) from the date the request is received.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. The review may be conducted by a staff person who occupies a supervisory position.

The applicant will be given the option of presenting oral or written objections to the decision. Both BHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

Review will generally be held in the office; however, reviews may be conducted by mail or telephone if required to provide reasonable accommodation.

A Notice of the Review findings will be provided in writing to the applicant within 10 days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for review, supporting documentation, and a copy of the final decision will be retained in the family's file.

## D. Informal Hearing Procedures

BHA will provide a copy of the hearing procedures in the family briefing packet.

When BHA makes a decision regarding a participant's eligibility and the amount of assistance, the participant must be notified in writing. The BHA will give the family prompt notice of such determinations, which will include:

- proposed action or decision
- date the proposed action or decision will take place
- family's right to an explanation of the basis for the decision
- procedures for requesting a hearing, if the family disputes the action or decision
- time limit for requesting the hearing

BHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following BHA determinations:

- family's annual or adjusted income and the housing assistance payment
- appropriate utility allowance used from schedule
- family unit size under BHA subsidy standards
- termination of assistance for any reason
- termination of a family's FSS Contract, withholding supportive services, or proposing forfeiture of the family's escrow account
- payment to an owner for damages, unpaid rent or vacancy loss claim

BHA must always provide the opportunity for an informal hearing for termination of assistance.

Informal hearings are not required for established policies and procedures and BHA determinations such as:

- discretionary administrative determinations by BHA
- general policy issues or class grievances
- establishment of BHA schedule of utility allowances for families in the program
- BHA determination not to approve an extension of a Voucher term
- disapproval of unit or lease
- unit is not in compliance with HQS (BHA must provide hearing for family breach of HQS because that is a family obligation determination)
- unit is not in accordance with HQS because of the family size
- determination to exercise or not to exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is BHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the BHA will ensure that participants will receive all of the protections and rights afforded by the law and the regulations.

When the BHA receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

- date and time of the hearing
- location where the hearing will be held
- family's right to bring evidence, witnesses, legal or other representation at the family's expense
- right to view any documents or evidence in the possession of BHA and upon which BHA based the proposed action and,
- at the family's expense, to obtain a copy of such documents prior to the hearing
- requests for such documents or evidence must be received no later than seven days before the hearing date
- notice to the family that the BHA will request a copy of any documents or evidence the family will use at the hearing

Hearing Procedures

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact BHA within one (1) business day. The BHA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- present written or oral objections to BHA's determination
- examine the documents in the file, which are the basis for the BHA's action, and all documents submitted to the Hearing Officer
- copy any relevant documents at their expense
- present any information or witnesses pertinent to the issue of the hearing
- request that BHA staff be available or present at the hearing to answer questions pertinent to the case
- be represented by legal counsel, advocate, or other designated representative at their own expense

If the family requests copies of documents relevant to the hearing, BHA will make the copies for the family.

In addition to other rights contained in this Chapter, BHA has a right to:

- present evidence and any information pertinent to the issue of the hearing
- be notified if the family intends to be represented by legal counsel, advocate, or another party
- examine and copy any documents to be used by the family prior to the hearing
- have its attorney present
- have staff persons and other witnesses familiar with the case present

The informal hearing shall be conducted by the Hearing Officer appointed by the Executive Director who is neither the person who made or approved the decision, nor a subordinate of that person.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. “Documents” includes records and regulations.

The Hearing Officer may ask the family for additional information and might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the BHA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the BHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the BHA and the family within 30 days and shall include:

- clear summary of the decision and reasons for the decision
- if the decision involves money owed, the amount owed
- date the decision goes into effect

BHA is not bound by hearing decisions which:

- concern matters in which BHA is not required to provide an opportunity for a hearing
- conflict with or contradict to HUD regulations or requirements
- conflict with or contradict Federal, State or local laws
- exceed the authority of the person conducting the hearing

The Assisted Housing Executive Director for BHA, shall send a letter (within 10 days) to the participant if BHA determines that it is not bound by the Hearing Officer's determination. The letter shall include BHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

**E. Hearing and Appeal Provisions for "Restrictions on Assistance to Non-Citizens" [24 CFR Part 5, Subpart E]**

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the BHA hearing is pending but assistance to an applicant may be delayed pending the BHA hearing.

<u>INS Determination of Ineligibility</u>

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, BHA must notify the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with BHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give BHA a copy of the appeal and proof of mailing, or BHA may proceed to deny or terminate. The time period to request an appeal may be extended by BHA for good cause.

The request for a BHA hearing must be made within 14 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 14 days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in section E of this Chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members BHA will:

- deny the applicant family
- defer termination if the family is a participant and qualifies for deferral
- terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, BHA will offer to prorate assistance or give the family the option to remove the ineligible persons.

<u>All Other Complaints Related to Eligible Citizen/Immigrant Status</u>

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide requested documents or certification.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights describes above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

**F. Mitigating Circumstances for Applicants and Participants with Disabilities [24 CFR 982.204, 982.552(c)]**

When applicants are denied assistance, or BHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review and informal hearing process.

# Chapter 19

## Home Ownership Program

### A. General Provisions.

(1) Legal Background.

Although Section 8 is primarily a rental housing subsidy program, it also has limited provisions for assistance to homeowners.

Section 8(y), added to the U.S. Housing Act of 1937 by the Housing and Community Development Act of 1992, and revised by QHWRA, provides a broader family-based home ownership assistance program for first-time homebuyers.

A first-time homebuyer is generally defined as a family in which no member has had an ownership interest in a principal residence during the previous three years.

However, the definition also includes a single parent or displaced homemaker who, while married, owned a home with his or her spouse or resided in a home owned by his or her spouse.

(2) Key Program Features.

HUD has established the following key program features:

(i) First-time homeowner or cooperative member.

(ii) A family that has not owned or had ownership interest in the past three years.

(iii) Minimum income requirement

Except in the case of disabled families, the qualified annual income of the adult family members who will own the home must not be less than the Federal minimum hourly wage multiplied by 2,000 hours (currently $10,300). For disabled families, the qualified annual income of the adult family members who will own the home must not be less than the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone multiplied by 12 (currently $7,236). BHA may also establish a higher minimum income requirement for either or both types of families. Except in the case of an elderly or disabled family, welfare assistance is not counted in determining whether the family meets the minimum income requirement.

iv. Employment requirement.

BHA will exempt the employment requirement for a family that includes a person with disabilities and BHA determines that an exemption is needed as a reasonable accommodation, so that the program is readily accessible to, and usable by, persons with disabilities.

One or more adults in the family, who will own the home, must be currently employed on a full-time basis and has been continuously employed on a full-time basis for at least one year before commencement of homeownership assistance.

v. Additional PHA eligibility requirements.

The family must meet any other initial eligibility requirements set by the PHA.

vi. Homeownership counseling.

The family must attend and satisfactorily complete BHA's pre-assistance homeownership and housing counseling program. (Minimum of 8 Hours)

(3) Local Home Ownership Policy, Goals and Objectives

The Section 8 Home Ownership Program of BHA permits eligible participants in the Section 8 housing choice voucher program, including participants with portable vouchers, the option of purchasing a home with their Section 8 assistance rather than renting.

Two options are available for this assistance: monthly homeownership assistance payment on behalf of a family, and to provide homeownership assistance for the family in the form of a single grant to be used toward the down-payment required in connection with the purchase of the home if the fund available. Until HUD publishes the regulations for down payment assistance, only monthly homeownership assistance is available.

The home ownership option is limited to five percent (5%) of the total Section 8 voucher program administered by BHA in any fiscal year, provided that disabled families shall not be subject to the 5% limit.

If applications exceed such 5% limit, participants in the Family Self Sufficiency ("FSS") program shall receive a priority for participation in the home ownership program.

Eligible applicants for the Section 8 home ownership program must have completed an initial Section 8 lease term, may not owe BHA or any other

Housing Authority an outstanding debt, and must meet the eligibility criteria set forth herein.

Section 8 home ownership assistance may be used to purchase the following type of homes within BHA's jurisdiction: new or existing single-family, condominium, planned use developments, cooperatives, lofts, or manufactured homes. BHA will permit portability of Section 8 home ownership assistance to another jurisdiction, provided the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes BHA to administer the home ownership assistance in their jurisdiction.

In order to effectively develop BHA's Homeownership Program, the agency has agreed upon a set policy for the administration and implementation of the program. This covers the applicant eligibility for the program, the application process, the financial and participatory requirements and the responsibilities of the housing agency and the counseling organizations in the administration of the program. Program participants will also be informed of their rights as homebuyers. Upon purchasing a home, families are required to sign a "Statement of Homeownership Obligations," agreeing to comply with the mortgage, maintain the property, and pay the taxes, utilities, and insurance.

BHA will work with banking, financial institutions, or non-profit organizations that have indicated interest in working with the program, and offered loan products and other concessions that will further the affordability of mortgages for participants. Many Section 8 participants will be eligible for subsidy funds providing down payment and closing cost assistance complemented with funds from the HOME Program, Government Funds (Llave a tu Hogar) , the Affordable Housing Program from the Federal Home Loan Bank of New York and any private corporation and foundation which pursue affordable housing. BHA will assist and coordinate the post purchase counseling and educational support and any proactive efforts on behalf of the homeowners so as to provide a safety net against defaults.

**B. Family Eligibility and Participation Requirements**

(1) Selection and Admission of Applicants to the Program

(i) Section 8 Tenants

Participation in the Section 8 home ownership program is voluntary. Each Section 8 home ownership participant must meet the general requirements for admission to the Section 8 housing choice voucher program as set forth in this Chapter of BHA's Administrative Plan. Such Section 8 family must also be "eligible" to participate in the home ownership program.

(ii) Preference for Participation in FSS Program.

Applicants for the home ownership program are not required to participate in BHA's Family Self Sufficiency ("FSS") program in order to participate in the home ownership program. However, in the event the applications for home ownership assistance exceed five percent (5%) of BHA's total voucher program in any fiscal year, FSS participants shall have a preference for participation in the home ownership program. Participants in an Individual Development Account ("IDA") program administered by an agency other than BHA will also receive a preference for home ownership assistance in the event applicants for home ownership assistance exceed the 5% limitation.

(2) Portability

Participants with portable vouchers may purchase a home in a jurisdiction other than the one in which BHA operates, provided the Housing Authority in the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes BHA to administer the home ownership assistance in their jurisdiction. In the former case, a family's participation in the Section 8 home ownership program will be subject to the Section 8 home ownership program and policies of the receiving jurisdiction.

(3) Affordability Standards

No affordability standards are issued other than this one: the mortgage payment of the homebuyer should not exceed the payment standard authorized to the family at the time of recertification.

(4) Employment and Credit Requirements

(i) Amount of Income

At the time the family begins receiving homeownership assistance, the head of household, spouse, or other adult household members who will own the home, must have a gross annual income at least equal to the Federal minimum hourly wage multiplied by 2000 hours.

(ii) Employment History.

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of home ownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for one year prior to execution of the sales agreement. In order to reasonably

accommodate a family’s participation in the program, BHA will exempt families that include a person with disabilities from this requirement BHA may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. It may also consider successive employment during the one-year period and self-employment in a business.

(iii) Exclusion of Welfare Assistance Income.

With the exception of elderly and disabled families, BHA will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families ("TANF"); Supplemental Security Income ("SSI") that is subject to an income eligibility test; food stamps; general assistance; or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the home ownership program. It does not affect the determination of income-eligibility for admission to the Section 8 housing choice voucher program, calculation of the family’s total tenant payment, or calculation of the amount of home ownership assistance payments.

(5) First-Time Homeowner

Each Section 8 family, except families with a disabled member, must be a first-time homeowner. A "first-time homeowner" means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home ownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a "first-time homeowner" for purposes of the Section 8 homeownership option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest." A member of a cooperative (as defined in § 982.4) also qualifies as a "first time homeowner".

(7) Minimum Down Payment

For the down payment option the family must:

(i) The family has a sufficient resource to pay a down payment equal to 3% of the purchase price of a typical home that meets their family household size and closing costs. No less than 1% will come from the participant’s equity or the standard generally accepted by the industry.

(ii) The family has demonstrated to BHA that its gross income is sufficient to meet homeownership and other family expenses. BHA reserves the right to determine whether a family can or cannot afford the proposed financing before making the recommendation for assistance participation.

(iii) The family has accrued at least $500.00 in an escrow account.

(8) Credit Requirements

In compliance with the Fair Credit Act, the lending institution will determine the participant's credit worthiness. In case the participant is unable to meet this initial criterion he or she will be referred to credit counseling and then the person will be reconsidered for program participation.

(9) Application Process and Review Criteria

Once a family is determined to be eligible to participate in the program, it must comply with the following additional requirements: (i) complete a home ownership counseling program approved by BHA prior to commencement of home ownership assistance; (ii) within a specified time, locate the home it proposes to purchase; (iii) submit a sales agreement containing specific components to BHA for approval; (iv) allow BHA to inspect the proposed home ownership dwelling to assure that the dwelling meets appropriate housing quality standards; (v) obtain an independent inspection covering major building systems; (vi) obtain BHA's approval of the proposed mortgage (which must comply with generally accepted mortgage underwriting requirements); and (vii) enter into a written agreement with BHA to comply with all of its obligations under the Section 8 program.

(10) Other Eligibility Restrictions

(i) Repayment of Any Housing Authority Debts.

Participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program in the event any debt or portion of a debt remains owed to BHA or any other Housing Authority.

Nothing in this provision will preclude Section 8 participants that have fully repaid such debt(s) from participating in the Section 8 home ownership program.

(ii) Completion of Initial Lease Term.

Applicants for and new participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program until completion of an initial Section 8 lease term and the participant's

first annual recertification in the Section 8 housing choice voucher program. Nothing in this provision will preclude Section 8 participants that have completed an initial lease term in another jurisdiction from participating in the Section 8 home program.

iii. Elderly and Disabled Households.

Elderly and disabled families are exempt from the employment requirements set forth in Paragraph 5 (ii) above. In the case of an elderly or disabled family, BHA will consider income from all sources, including welfare assistance in evaluating whether the household meets the minimum income required to purchase a home through the Section 8 home ownership program. Additionally, BHA will approve a live-in aide if needed as a reasonable accommodation so the program is readily accessible to and useable by persons with disabilities. The disability must be documented by a licensed health care provider.

iv. Prior Mortgage Defaults.

If a head of household , spouse, or other adult household member who will execute the contract of sale, mortgage and loan documents have previously defaulted on a mortgage obtained through the Section 8 home ownership program, the family will be ineligible to participate in the home ownership program.

(11) Counseling Participation Requirement

A family's participation in the home ownership program is conditioned on the family attending and successfully completing a home ownership and housing counseling program provided or approved by BHA prior to commencement of home ownership assistance. The home ownership and counseling program will cover home maintenance; budgeting and money management; credit counseling; negotiating purchase price; securing mortgage financing and finding a home.

The counseling agency providing the counseling program shall be HUD approved either under HUD's Housing Counseling program. BHA may require families to participate in an approved home ownership-counseling program on a continuing basis.

(12) First Home Clubs

A new initiative could be coordinated with lending institution members of the Federal Home Loan Bank of New York; they provide a grant to sponsor the program "First Home Club" (FHC). This program is for first-time homebuyers and provides subsidy funds to assist very low, low, and moderate-income households overcome the financial difficulties of purchasing a home. The program is a non-

competitive set-aside of the Affordable Housing Program (AHP) and is administered through approved members of the Federal Home Loan Bank of New York (Bank).

The FHC provides down payment and closing cost assistance by granting three dollars in matching funds for each dollar saved to qualified first-time homebuyers who follow a systematic savings plan and participate in an approved homeownership counseling program. Matching funds will be awarded to qualified households based on the total savings deposited in a dedicated account with an approved member bank State Programs, Home Funds, etc.

**C. The Housing Unit Requirement**

(1) Timeframe to Locate

Upon approval for the Section 8 home ownership program, a family shall have one hundred eighty (180) days to locate a home to purchase. A home shall be considered located if the family submits a proposed sales agreement with the requisite components to BHA. For good cause, BHA may extend a Section 8 family's time to locate the home for additional 30 thirty-day increments. During a Section 8 participant's search for a home to purchase, their Section 8 rental assistance shall continue pursuant to the Administrative Plan. If a Section 8 participant family is unable to locate a home within the time approved by BHA, then their Section 8 rental assistance through the Section 8 housing choice voucher program shall continue. Once a home is located and a sales agreement is approved by BHA and is signed by the family, the family shall have up to three (3) months, or such other time as is approved by BHA, or set forth in the approved sales agreement, to purchase the home. If a Section 8 participant is unable to purchase the home within the maximum time permitted by BHA, it shall continue the family's participation in the Section 8 housing choice voucher program. The family may not re-apply for the Section 8 home ownership program until they have completed an additional year of participation in the Section 8 housing choice voucher program following the initial determination of their eligibility for the home ownership option.

(2) Type of Home

A family approved for Section 8 home ownership assistance may purchase the following type of homes: a new or existing home, a single-family home, a condominium, a home in a planned use development, a cooperative, or a manufactured home. The home must already exist or be under construction at the time BHA determines the family is eligible for home ownership assistance [to purchase the unit (§ 982.628(a)(2).]

(3) Seller cannot be debarred, suspended or Subject to LDP by HUD

The seller could not be posted in the Limited Denial of Participation (LDP). The listing is normally issued by a HUD Field Office and is an action that excludes a specific individual(s) or firm(s) from participating in a specific program, or programs, within that HUD Field Office's geographic jurisdiction, for a specific period of time. In limited instances HUD Headquarters may also issue LDP's.

(4) Extension of Jurisdiction

Bayamón PR is the main location for the homeownership program. Nevertheless, extension of this jurisdiction could be granted to participants with portable vouchers that may purchase a home in a jurisdiction other than BHA's jurisdiction, provided the Housing Authority in the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes BHA to administer the home ownership assistance in their jurisdiction. In the former case, a family's participation in the Section 8 home ownership program will be subject to the Section 8 home ownership program and policies of the receiving jurisdiction.

(5)Lease-Purchase

Families may enter into lease-purchase agreements while receiving Section 8 rental assistance. All requirements of the housing choice voucher program apply to lease-purchase agreements, except that families are permitted to pay an extra amount out-of-pocket to the owner for purchase related expenses-- a "home ownership premium." Any "home ownership premium," defined as an increment of value attributable to the value of the lease-purchase right or agreement, is excluded from rent reasonableness determination and subsidy calculation, and must be absorbed by the family. When a lease-purchase participant family is ready to exercise their option, they must notify BHA and apply for the home ownership option. If determined eligible for home ownership assistance, the family may be admitted to the home ownership program and must meet all the requirements of these policies.

Prior to execution of the offer to purchase or sales agreement, the family must provide the financing terms to BHA for approval. The sales agreement must provide for inspection by BHA of the independent inspection referred to in Section 3(E) and must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to BHA. The contract also must provide that the purchaser is not obligated to pay for any necessary repairs. The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by BHA. The sales agreement must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

(6) HQS Inspection by BHA

To assure the home complies with the housing quality standards of the Section 8 program, home ownership assistance payments may not commence until BHA first inspects the home.

HQS inspection will be conducted in compliance with HUD requirements.

(7) Independent Initial Inspection Conducted

An independent inspection of existing homes covering major building systems must also be completed by a professional that is selected by the family. BHA will not pay for the independent inspection. The independent inspection report must be provided to BHA, which may disapprove the unit due to information contained in the report or for failure to meet federal housing quality standards.

**D. Financing Requirements**

The proposed financing terms must be submitted to and approved by BHA 90 days prior to close of escrow.

In first instance, the lending institution should submit to BHA the Good Faith Estimate for the option to purchase contract, in order to determine the affordability of the family's proposed financing. In making such determination, BHA may take into account other family expenses, including but not limited to child care, unreimbursed medical expenses, education and training expenses and the like. Once completed the loan application and copy of the Settlement Statement must be presented to BHA for final approval.

Certain types of financing, including but not limited to, balloon payment mortgages, unless convertible to a variable rate mortgage, are prohibited and will not be approved by BHA.

BHA, on a case-by-case basis, shall consider seller-financing mortgages. If a mortgage is not FHA-insured, BHA will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FHA, Ginnie Mae, Fannie Mae, Freddie Mac, Detroit Housing Finance Agency, USDA Rural Housing Services, the Federal Home Loan Bank, or other private lending institution.

**E. Assistance Limits**

(1) Assistance Limits

Notwithstanding the provisions, except for disabled and elderly families, a family may receive Section 8 home ownership assistance for not longer than ten (10) years from the date of close of escrow unless the initial mortgage incurred to finance purchase of the home has a term that is 20 years or longer, in which case the maximum term is 15 years.

(2) Exceptions to Elderly and Handicapped Applicants

Families that qualify as elderly at the commencement of home ownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of home ownership assistance or at any time during the provision of home ownership assistance are not subject to a maximum term limitation. If a disabled family or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date home ownership assistance commenced; provided, however, that such family shall be eligible for at least six additional months of home ownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during any time that home ownership payments are made, or is a spouse of any member of the household who has an ownership interest.

(3) Reexaminations Requirements

A participant in the Section 8 Home Ownership program shall meet the reexaminations (Re-certifications) requirements.

(4) HAP Payments

The amount of the monthly assistance payment will be based on three factors: the voucher payment standard for which the family is eligible; the monthly home ownership expense; and the family’s household income. BHA will pay the lower of either the payment standard minus the total family contribution ("TFC") or the family’s monthly home ownership expenses minus the TFC. The Section 8 family will pay the difference.

(i). Determining the Payment Standard.

The voucher payment standard is the fixed amount that BHA annually establishes as the "fair market" rent for a unit of a particular size located within BHA’s jurisdiction. In the home ownership program, the initial payment standard will be the lower of either (1) the payment standard for which the family is eligible based on family size; or (2) the payment standard which is applicable to the size of the home the family decides to purchase. The payment standard for subsequent years will be based on the higher of: (1) the payment standard in effect at commencement of the home ownership assistance; or (2) the payment

standard in effect at the most recent regular reexamination of the family's income and size. The initial payment standard, for purposes of this comparison, shall not be adjusted even if there is a subsequent decrease in family size. BHA will request HUD approval of a higher payment standard, up to 120% of the published Fair Market Rent limit, where warranted as a reasonable accommodation for a family that includes a person with disabilities.

(ii) Determining the Monthly Home Ownership Expense.

Monthly home ownership expense includes all of the following: principal and interest on the initial mortgage and any mortgage insurance premium (MIP) incurred to finance the purchase and any refinancing of such debt; real estate taxes and public assessments; homeowner's insurance; maintenance expenses per BHA's allowance; costs of major repairs and replacements per BHA's allowance (replacement reserves); utility allowance per BHA's schedule of utility allowances; principal and interest on mortgage debt incurred to finance major repairs, replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any.

(iii) Determining the Total Family Contribution.

The TFC is that portion of the home ownership expense that the family must pay. It is generally 30% percent of the family's adjusted income, plus any gap between the payment standard and the actual housing cost. All family income (including public assistance,) will be counted to determine the family's adjusted monthly income for purposes of determining the amount of assistance.

(iv) Payment to Family or Lender.

BHA will provide the lender with notice of the amount of the housing assistance payment prior to close of escrow and BHA will pay its contribution towards the family's homeowner expense directly to the family, unless otherwise required by the lender. The family will be responsible to submit the entire mortgage payment to the lender unless the lender requires direct payment of BHA's contribution.

**F. Termination of Section 8 Homeownership Assistance**

(1) Grounds for Termination of Home Ownership Assistance

Failure to Comply with Family Obligations Under the Section 8 Program or BHA Home Ownership Policies.

A family's home ownership assistance may be terminated if the family fails to comply with its obligations under the Section 8 program, BHA's home ownership

policies, or if the family defaults on the mortgage. If required, the family must attend and complete ongoing home ownership and housing counseling course. The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home. The family must provide BHA with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; the family's household income and home ownership expenses on an annual basis; any notice of mortgage default received by the family; and any other notices which may be required pursuant to BHA home ownership policies. Except as otherwise provided in this Section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving home ownership assistance.

(2) Occupancy of Home

Home ownership assistance will only be provided while the family resides in the home. If the family moves out of the home, BHA will not continue home ownership assistance commencing with the month after the family moves out.

(3) Changes in Income Eligibility

A family's home ownership assistance may be changed in the month following annual recertification of the household income, but participation in the Section 8 Home Ownership program shall continue until such time as the assistance payment amounts to $0 for a period of six (6) consecutive months.

(4) Reaching Maximum Term of Home Ownership Assistance

Once the family is reaching the maximum term of home ownership assistance, BHA will notify 90 days before the date of such occurrence, that no further assistance will be disbursed to the family once the date of termination arrives.

(5) Procedure for Termination of Home Ownership Assistance

BHA shall terminate homeownership assistance for the family, and shall deny voucher rental assistance for the family, in accordance with this section.

Denial or termination of assistance under basic voucher program. BHA may deny or terminate homeownership assistance in accordance with § 982.552(grounds for denial or termination of assistance§ 982.553 (Crime by family members)

BHA may deny or terminate assistance for violation of participant obligations described in §982.551 or§982.633.

(6) Right to Informal Hearing Procedures

A participant in the Section 8 Home Ownership program shall be entitled to the same informal hearing procedures as set forth in Informal Hearing Procedures for Participants of BHA's Administrative Plan.

(7) Continued Participation in Section 8 Housing Choice Voucher Program

(i) Default on FHA-Insured Mortgage.

If the family defaults on an FHA-insured mortgage, the BHA may permit the family to move with continued Section 8 housing choice rental assistance if the family demonstrates that it has (a) conveyed title to the home as put forth in the FHA documents.

(ii) Default on non-FHA-Insured Mortgage.

If the family defaults on a mortgage that is not FHA-insured, BHA may permit the family to move with continued Section 8 housing choice voucher rental assistance if the family demonstrates that it has (a) conveyed title to the home to the lender, to BHA, or to its designee, as may be permitted or required by the lender; and (b) moved from the home within the period established or approved by the lender and/or BHA.

(iii) Return to tenant-based assistance on the Down payment Grant.

BHA may not commence tenant-based rental assistance for occupancy of the new rental assisted unit so long as any family member owns any title or other interest in the home purchased with homeownership assistance. Further, 18 months must have passed since the family's receipt of the down payment assistance grant.

(8) Administrative Fee

For each month that home ownership assistance is paid by BHA on behalf of the family, BHA shall be paid the ongoing administrative fee described in 24 CFR §982.152(b).

(9) Waiver or Modification of Home Ownership Policies

The Executive Director of BHA shall have the discretion to waive or modify any provision of the Section 8 home ownership program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

# Chapter 20

## Family Self Sufficiency Program

### A. Overview and Program Objectives

The Family Self Sufficiency (FSS) program to assist Housing Choice Voucher holders who are working towards achieving self sufficiency The BHA intends for many HCV participants to ultimately “graduate” from the FSS program-with the support of program staff and citywide resources-into homeownership and/or better employment and educational opportunities

The FSS `program is administered by the BHA staff in Assisted Housing working in concert with a Program Coordinating Committee (PCC), which represents key community resources.

FSS is a program established by HUD-and administered by BHA-with the goal of promoting resident empowerment and economic independence. FSS is a voluntary program that encourages families to develop individual, multi-year Family Action Plans. Under FSS, the increased income from wages earned by the participating family-subject to certain regulatory restrictions-goes into an “escrow account” that can be drawn down by the family for eligible expenses such as homeownership or advanced education.

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

Information on the FSS program will be publicized to all current and future HCV voucher participants. Every working age adult/participant will be encouraged to enroll. Section 8 FSS staff will assist families to design their own individual family action plan as the first step of the FSS process. The action plan will be developed and shared with Program Coordinating Committee to ensure that it is complete and realistic, and identify ways in which local agencies can assist each FSS participant in meeting their goals. The PCC will meet quarterly, or more frequently as needed, to review and assess FSS participant needs and to provide interagency coordination to ensure that services are being duplicated.

Following approval of the Individual Tenant Service Plan (ITSP), the FSS staff will work with each participating family by monitoring their progress, identify and resolve obstacles, and help identify resources to provide training, counseling to support job readiness, job placement, home ownership and other program services. Participant information related to their FSS progress will be updated periodically and at a minimum updated at their annual re-examination.

**B. Program Dimensions**

Based on discussions with Section 8 staff and local service providers (including the Family Independence Agency), the following listing of supportive service was identified for FSS participants. The specific services required by each individual family will differ based on needs.

These differences will be determined during the initial FSS application process when the participants meet with the FSS staff person to discuss their family circumstances:

| Supportive Service Need | Examples |
|---|---|
| Education | Basic Literacy Skills<br>GED Preparation<br>Community College or University Courses<br>English as Second Language |
| Job Readiness | Self Esteem and Motivation Building<br>Job Seeking Skills<br>Good Work Habits |
| Job Training | Structured Training Programs leading to entry-level jobs<br>Combined work/ study courses |
| Child Care | Infant and toddler care<br>“Latch Key” after school care<br>Expanded hour care |
| Transposition | Transposition to training and education<br>Transposition to child care<br>Transposition interviews<br>Transposition to job sites |
| Counseling | Parenting Skills<br>Substances Abuse Prevention, Intervention and treatment<br>Domestic Violence Prevention and Intervention |
| Homeownership | Credit Counseling<br>Home buying Process |

| | |
|---|---|
| | Down payment Assistance |

**C. FSS Family Selection Process**

The FSS program is a voluntary program and is open to all current and future Section 8 participants that are in good standing with BHA.HCV program, at each annual re-examination, all HCV participants will be notified of the availability of program participation, and literature of the program will be included in re-examination packages. In addition, participants will be advised of the opportunity to sign up to participant in the FSS program at any time by notifying their assigned Housing Specialist and completing the FSS application. BHA will conduct group meetings to inform interested families about the program.

Following an initial information session, families who want to participate in the FSS program will meet a FSS staff person to schedule an appointment to develop a family needs assessment and action plan.

At this point, BHA does not anticipate that the demand for the program will exceed the number of available FSS slots. However, should demand exceed supply, BHA will establish a waiting list using the following preferences:

1. Persons currently participating in a documented self sufficiency activity will be given first preference for up to 50% of program slots. Such activity includes, but is not limited to, job training, educational programs, employment programs DHS-sponsored training actives.
2. After applying the above preference, a preference will be given based on length of time in Section 8 program, i.e., families with longer program tenure will be served first.

BHA will not discriminate based on race, religion, sex disability status, family status or national origin. Assistance will be given to all participants that require assistance completing the FSS materials during informational sessions and interpreters may be provided if requested. Information to be obtained in the one-on-one sessions between the FSS staff person and the participating families will be used to determine the need for services and the sessions will aide in the development of a realistic action plan. This information will not be used to discriminate in any fashion.

**D. Outreach Efforts**

BHA will include FSS information as part of the Annual Re-examination packet that is annually mailed to each HVC participant. In addition, FSS information will be distributed to each HCV applicant at the HCV program briefing.

### E. Incentives

The incentives offered by BHA to encourage families to participate in FSS include:

- Eligibility for escrow account savings
- Annual escrow account statement
- Refund of escrow account with investments income upon successful program completion
- Customized needs and skills assessments to those residents can develop realistic, attainable employment goals
- Direct relationship with trained FSS staff person
- Access to supportive service referrals
- Priority consideration for BHA future service and home ownership programs

### F. FSS Program Supportive Services

Participating FSS Families will work directly with qualified FSS staff in Assisted Housing who will serve as their assigned FSS case manager for the FSS program. FSS staff will:

- Evaluate the needs of participating families related to job training, employment, supportive services and other areas impacting family self sufficiency
- Work with the family to develop an Individual Training and Service plan, which includes measurable goals and objectives
- Provide referrals to appropriate training, education and support services
- Periodically monitors family progress through telephone call, meetings, letters, etc.
- As requested, works to resolve obstacles impacting the family's ability to fulfill their plan

Periodically, BHA may conduct group meetings and seminars for FSS participants in partnership with local service providers. These meetings and seminars will provide an opportunity to share information related to common participant needs and problems.

### G. Method for Identifying Support Services Needs

The first step of the process of identifying supportive service needs will involve the development of a comprehensive Family Needs Assessment (FNA). The assessment may require more than one appointment, depending on family circumstances. The FNA will help participating families develop and articulate

clear goals in each key area including; education, job readiness, job training, job placement, support services, child care, transportation, etc.

The FNA form contains a “release of information” statement that will permit FSS staff to discuss with other service programs the benefits a participant family may be receiving or for which it may be eligible to receive services under the FSS program. The statement also permits BHA to share the participant’s information with the Program Coordinating Committee so that all entities involved in developing the family’ action plan’ can determine how to best meet the family’s needs. (The PCC member will be required to sign a document ensuring that they will maintain the confidentiality of all such information) Finally, the statement permits BHA to include in a participant’s file the most recent 50058 from the family’s resident file.

Following completion of the FNA, FSS staff and participant will jointly develop an Individual Training and Services Plan (ITSP) that will include measurable goals, objectives, and a timeline. Once the ITSP is agreed upon, the family will sign it and the FSS Contract of Participation. The plan and contract become effective immediately upon signature. At that time, FSS staff will ensure that appropriate steps are taken to establish an escrow account and register the family as an active FSS participant. The ITSP may run for up to a five-year period. During this period, the plan may need to be modified to meet changing circumstances. Modifications will be jointly agreed to in writing by FSS staff and the participant.

The contract of Participants specifies important program terms and conditions including:

1. The five year limitation on participation in the program, unless an extension has be granted
2. A description of the manner in which rental payments will be calculated
3. A description of the escrow savings account and the participant’s access to such accounts at the end of the program
4. The participant’s and the FSS program’s obligations over the course of the program
5. The conditions under which a person may terminate of be terminated from the FSS program.

The Contract is employed to emphasize the significance of this effort and the limited time of participation in the FSS program. Under the terms of the Contract, FSS staff will, at least annually, conduct a formal review of each participant’s status to certify compliance with the FSS program terms and eligibility for continued participation.

## H. Program Coordinating Committee

BHA will establish a multi-disciplinary Program Coordinating Committee to provide advice and input on supportive services to the FSS program. The PCC will be coordinated by the Assisted Housing Deputy Director or assigned staff who will schedule quarterly meetings (or more frequent meetings), prepare agendas, and maintain meeting notes.

A primary activity of the PCC is to assist in securing commitments from public and private resource providers to help operate the FSS program. The PCC may also assist BHA in the development of the FSS action plan and in the program implementation. BHA will work to recruit and encourage the active participants of PCC members who represent the following organizations and service providers:

- Bayamón Public School System
- Family Independence Agency
- Bayamón Works Partnership
- Head Start and other child care provider
- Bayamón Departments of Social services
- Private business persons including bankers who can assist in home ownership counseling efforts
- Other to be determined

Each member of the PCC will be encouraged to provide resources wherever possible and to keep the group posted on grants and other sources of funding that will enable the FSS program to acquire the services needed by its participants.

The PCC will serve as an advisory group to BHA concerning Family Self-Sufficiency program policies and procedures. Its ultimate goal is to create an effective multi-disciplinary support system to assist participating families in reaching economic self-sufficiency. Specific tasks of the PCC include:

- Review, modify, and approve the FSS action plan to ensure that it is appropriate, realistic and performance-oriented.
- Provide ongoing review and support of individual family plans during the implementation stages
- Identify effective skills assessment tools, job readiness, and job placement strategies, that address community and FSS program needs
- Assist in identifying job training opportunities and other services, in the public and private sectors
- Assist in securing supportive services in the public and private sectors through joint planning and/ or fundraising efforts
- Assist in developing home ownership opportunities

## I. FSS Contract Compliance

BHA will not terminate HCV assistance because of the family's failure to meet FSS contract responsibilities. FSS participants must, however, follow all HUD established rules and regulations for the HCV program.

## J. Corrective Action: Termination of FSS Participation

Participants may be terminated from the FSS program (but not from Section 8 assistance) for failure to comply with their obligations under the FSS Contract of Family Participation.

If the staff determines –based on a review of participants progress –that a resident is not in compliance with the FSS Contract, the FSS participant shall be notified in writing of the nature of the noncompliance. This letter shall request the FSS participant to attend a meeting with the assigned FSS staff person at BHA to review their progress and to determine if there are any compelling reasons not to terminate their FSS program participation.

If the resident does not attend the scheduled meeting, then their participant is FSS shall be terminated through a letter sent by BHA. If the participant does not attend the scheduled meeting, and FSS staff determines that the resident should be terminated from the FSS program, then a letter of termination shall be mailed to the Participant.

The letter notifying the FSS participant shall inform them of their right to an informal review hearing before the Deputy Director of Assisted Housing programs. The Deputy Director shall conduct the informal review hearing within (30) thirty days of the participant's request. During the informal; hearing, participants shall be allowed to present verbal and written information as to why they should not be terminated from the program. The decision of the FSS hearing shall be mailed to the participant within (10) ten days of the FSS informal hearing. Termination from the program will result in the participant's forfeiture of escrow funds, if applicable.

To receive a hearing, the FSS participant must submit their request for a hearing within 10 calendar days from the receipt of their FSS termination notice. The written notice can be provided via mail, or hand-delivered to BHA.

## K. Assurances of Non-Interference and Coordination of Efforts

BHA certifies that a family's election not to participate in the FSS program will not affect the family's participation or continued participation in the HCV program. Participation in FSS program is strictly voluntary. A family's decision not to participate will not affect their housing benefits.

BHA certifies that all FSS program planning and implementation efforts will be coordinated to the greatest extent possible with local service providers, including: training and supportive service entities, the Job Opportunities and Basic Skills Training Program under Part F of Title IV of the Social Security Act; the Job Training Partnership Act funded programs; and, other applicable employment, child care, transportation, training and education programs available in the area.

Additionally the FSS staff person will work other divisions within BHA that have similar self-sufficiency mandates to share resources and to help identify available resources for all programs with a similar mandate.

# Glossary

A. Acronyms Used in Subsidized Housing

AAF Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustments.

ACC Annual Contributions Contract

BR Bedroom

CDBG Community Development Block Grant

CFP Certificate of Family Participation

CFR Code of Federal Regulation. Commonly referred to as “the regulation”. The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statue.

CPI Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.

CR Contract Rent

FDIC Federal Deposit Insurance Corporation

FHA  Federal Housing Administration

FICA Federal Insurance Contribution Act – Social Security taxes

FHA Farmers Home Administration

FY  Fiscal Year

FYE Fiscal Year End

GAO Government Accounting Office

GFC Gross Family Contribution. Note: Has been replaced by the term Total Tenant payment (TTP).

GR Gross Rent

HA Housing Agency

## Glossary

HAP Housing Assistance Payment

HAP Plan  Housing Assistance Plan

HCDA Housing and Community Development Act

HQS  Housing Quality Standards

HUD The Department of Housing and Urban Development or its designee.

HURRA Housing and Urban/Rural Recovery Act of 1983

HV  Housing Voucher

IG Inspector General

IGR  Independent Group Residence

IPA Independence Public Account

IRA Individual Retirement Account

MSA Metropolitan Statistical Area established by the U.S. Census Bureau

PHA Public Housing Agency

PMSA A Primary Metropolitan Statistical Area established by the U.S. Census Bureau

PS Payment Standard

QC Quality Control

RLA Request for Lease Approval (see also RFLA)

RFLA Request for Lease Approval

RFP Request for Proposals

RRP Rental Rehabilitation Program

# Glossary

SRO Single Room Occupancy

SSMA Standard Statistical Metropolitan Area, has been replaced by MSA, Metropolitan Statistical Area.

TR Tenant Rent

TTP Total Tenant Payment

UA Utility Allowance

URP Utility Reimbursement Payment

B. Glossary of Terms Used in Subsidized Housing

ABSORPTION. In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated.

ACC RESERVE ACCOUNT (FORMERLY “PROJECT RESERVE”). Account established by HUD from amounts by which the maximum payments to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amounts actually approved and paid. This account is used as the source of additional payment for the program.

ADJUSTED INCOME. Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE. Fee paid by HUD to the HA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly “operation reserve”). Account established by HS from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION. The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

# Glossary

ANNUAL CONTRIBUTION CONTRACT (ACC). A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources from the 12-month period following the date of determination of income, computed in accordance with the regulation.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

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

“AS-PAID” STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CERTIFICATE OF FAMILY PARTICIPATION. A Certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

CERTIFICATE OR VOUCHER HOLDER. A family holding a voucher or certificate with unexpired search time.

CERTIFICATE PROGRAM. Rental certificate program.

# Glossary

CHILD CARE EXPENSE. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151

CONTIGUOUS MSA. Importability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

CONTRACT AUTHORITY. The maximum annual payment by HUD to an HA for a funding increment.

CONTRACT RENT. In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student of age or over.

DISABLED PERSON. A person who is any of the following:

1. A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).

2. A person who has a physical, mental, or emotional impairment that:
    i. Is expected to be of long-continued and indefinite duration;
    ii. Substantially impedes his of her ability to live independently; and
    iii. Is of a nature that ability to live independently could be improved by more suitable housing conditions.

3. A person who has developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C 6001(7)).

DISPLACED PERSON. A person displaced by governmental action, or a person whose dwelling has extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

DOMICILE. The legal residence of the household head or spouse as determined in accordance with State and Local law.

DRUG-RELATED CRIMINAL ACTIVITY Term means:

1. Drug-trafficking; or
2. Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C 802)).

DRUG TRAFFICKING. The illegal manufacture, scale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY HOUSEHOLD. A family whose head or spouse sole member is at least 62 years of age or a Disabled Person as defined in this section or a Handicapped Person as defined in this section or may include two or more elderly, disabled or handicapped persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY. (Family). A family is defined by the HA in the administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and /or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

## Glossary

EXCEPTION RENT. In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determined the initial contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the Federal Register in accordance with 24 CFR part 882.

FAMILY. The applicant must qualify as a family as defined by the HA

FAMILY OF VETERAN OR SERVICE PERSON A family is a “family of veteran or serviceperson” when:

1. The veteran or serviceperson (a) is either the head of household or related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or serviceperson, unless deceased, is living with the family or is only temporally absent unless s/he (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalized and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

# Glossary

FEDERAL PREFERENCE. A preference under federal law admission of applicant families that are any of the following:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and

3) Is of such a nature such ability could be improved by more suitable housing conditions.

HAP CONTRACT. (See Housing Assistance Payment contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term “HA” includes an Indian housing authority (IHA). (“PHA” and “HA” mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by as HA. The total assistance payment consists of:

1. A payment to the owner for rent to owner under the family’s lease.
2. An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a “utility reimbursement” payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

## Glossary

HOUSING ASSISTANCE PLAN. (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding programs directives.

HURRA. The housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulations. Federal Register notices or other binding programs directives.

IMPUTED ASSET. Asset disposed for less that Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed $5,000.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

1. By exercise of the power of seal-government of an Indian Tribe, independent of State law, or
2. By operation of State law providing specifically for housing authorities for Indians.

## Glossary

INTEREST REDUCTION SUBSIDES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LARGE VERY LOW INCOME FAMILY. Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

LEASE. A written agreement between an owner and an eligible family for the leasing of a housing unit.

The Section 8 Certificate and Voucher program have an Addendum to Lease that has mandatory language which must be incorporated into any lease the HA uses. The Addenda are different for the Certificate and Voucher Programs.

LIVE-IN AIDE. A person who reside with an elderly person or person with disabilities and who:

1. Is determined to be essential to the care and well being of the person.
2. Is not obligated for the support of the person.
3. Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERNCE. A preference used by the HA to select among applicant families without regard to their federal preference status.

## Glossary

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the Housing Choice Voucher program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing leveling of construction cost or unusually high or low family incomes.

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 programs, the Market Rate Rent is that approved by HUD and is the Contract Rent for a Section 8 Housing Choice Voucher holder. For BMIR units, Markets Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expense, including insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for the Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in the expenses in excess of 3% of Annual Income.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MONTHY AJUSTED INCOME. Annual Income after allowances divided by twelve months.

MONTHLY INCOME. Gross Annual Income divided by 12 months.

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent result in a Utility Reimbursement Payment (URP).

NET FAMILY ASSETS. Value of equity savings, checking, IRA and Keogh account, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is exclude from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

## Glossary

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards estimated by an HA to determine the appropriate number of bedroom for families of different sizes and compositions.

OWNER. Any persons or entity having the legal right to lease sublease housing.

PARTICIPANT. A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

PAYMENT STANDARD. The amount used to calculate the housing assistance a family will receive in the HA's Housing Voucher Program.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "housing agency" (HA).

RANKING PREFERENCE. A preference used by the HA to select among applicants families that qualify for federal preference.

REEXAMINATION. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional charges to be reported. These are annual and interim re-certifications.

REMAINING MEMBER OF TENTANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. This is called Contract Rent in the Certificate Program and Rent to Owner in the Voucher Program. It is the total amount of rent payable to the owner by the family and the HA per month for an assisted unit.

## Glossary

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or recourses towards the expenses of these individuals. (see Sections 882.109(n), 882.106(c) and 882.102 definitions in Appendix 1 of 7420.7.)

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone.

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or

2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or

3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or

4. Payments under the Section 23 Housing Assistance Payments pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;

5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United State Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;

6. A Public Housing Project.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

TENANT RENT. (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Where some of all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, Tenant Rent equals Total Tenant Payment less the Utility Allowance in the Certificate Program. In the Voucher Program, Tenant Rent is Rent to owner less HAP.

TOTAL TENANT PAYMENT (TTP). Total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such was necessary to enable a family member to be gainfully employed.

UTILITIES. Utilities mean water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigeration, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate meteor approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit be an energy conservative household of modest circumstances consistent with the requirements of r safe, sanitary, and healthy living environment.

## Glossary

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the Utility Allowance fro the unit, if applicable exceeds the Total Tenant Payment for the family occupying the unit.

VACANCY LOSS PAYMENT. (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher Programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefore under conditions other than dishonorable.

WAITING LIST. A list of families organized according to HUD regulations and HA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State, or local governments.