

**PHA 5-Year and Annual Plan**

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

**OMB No. 2577-0226  
Expires 4/30/2011**

<b>1.0</b>	<b>PHA Information</b> PHA Name: <u>MUNICIPALITY OF GUAYAMA</u> PHA Code: <u>RQ017</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2010</u>				
<b>2.0</b>	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: <u>264</u>				
<b>3.0</b>	<b>Submission Type</b> <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
<b>4.0</b>	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)				
	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:				
<b>5.0</b>	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.				
<b>5.1</b>	<b>Mission.</b> State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years:  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 free from discrimination.				
<b>5.2</b>	<b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.  PHA Goal #1- Expand the supply of assisted housing Specific Objectives: <ul style="list-style-type: none"> <li>• Apply for additional voucher when available</li> <li>• Leverage private or other public funds to create additional housing opportunities by combining State and local funds to create additional housing opportunities for low income persons</li> </ul> PHA Goal #2- Improve the quality of assisted housing Specific Objectives: <ul style="list-style-type: none"> <li>• Improve voucher management to increase SEMAP scores</li> <li>• Increase customer satisfaction by enforcing the Housing Quality Standards</li> <li>• Concentrate on efforts to improve specific management functions by maintaining the PHA staff updated with policies and occupational trainings</li> </ul> PHA Goal #3- Increase assisted housing choices Specific Objectives: <ul style="list-style-type: none"> <li>• Provide voucher mobility counseling during the initial briefings and as required, tenants will be oriented about portability and mobility</li> <li>• Conduct outreach efforts to potential voucher landlords</li> <li>• When necessary increase voucher payment standards</li> </ul> PHA Goal #4- Promote self-sufficiency and asset development of families and individuals Specific Objectives: <ul style="list-style-type: none"> <li>• Provide or attract supportive services to improve assistance recipients' employability</li> <li>• Make alliances with public (WIA) and private organizations to provide supportive educational services to tenants</li> </ul> PHA Goal #5- Ensure Equal Opportunity in Housing Specific Objectives: <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>				

***PHA Progress in Meeting the Goals and Objectives Described in the 5-Year Plan for FY 2005-2010:***

During the past years, the municipality made progress toward accomplishing these objectives. Highlights of achievements are as follows:

- The Municipality of Guayama kept searching for opportunities to apply for additional rental voucher by a Proposal to the Fair Share Allocation of Incremental Voucher Funding (NOFA) as they become available, and requirements were met.
- Several landlords were oriented about the section 8 program requirements and enrollment requirements
- In the initial briefings and as required, tenants were oriented about the mobility and portability options of the voucher program.
- Reviewing the payment standards
- The PHA continues to operate its program in an efficient manner and in compliance with all required regulations
- The PHA will continue to adopt new policies and procedures to comply with current regulations.
- Tenants were oriented about job training and placement opportunities in the municipality and referrals were made to designate (private and governmental) agencies. It includes: coordinate job training and placement opportunities through a Consortium (Law 52) with others Municipalities
- Achieved the High Performance Level on SEMAP
- Assist families during financial distress, while gradually reducing the amount paid by the Program in an efficient manner as well as motivating these same families to become self-sufficient.
- Provide affordable, quality housing, services and opportunities to low-income families, while ensuring a continuum of housing opportunities for all program participants
- Provide a broad range of redevelopment activities directed toward building and strengthening communities
- Create alliances to nurture self-sufficiency the Municipality of Guayama has been actively promoting freedom of housing choice so as to achieve spatial deconcentration of extremely low-income families within our homogeneous community
- Continue with our established goal of providing improved conditions for extremely low-income families, while maintaining their rent payments at an affordable level
- Provide an incentive to private owners to rent their dwelling units to economically disadvantaged families by offering timely assistance
- 100% of properties accepted into the Program meet Housing Quality Standard requirements
- 100% of properties slated for Annual Renewal met HQS prior to renewal of Housing Assistance Payment Contract
- Homeless and Domestic Violence Victims have priority status on the Municipality of Guayama's waiting list and are serviced before all other preferences
- Have undertaken affirmative measures that ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability
- No complaints or reports referencing discriminatory practices in Program operations were received during the Program year
- Ongoing Quality Assurance Review (QAR) program of residents' files to reduce rent and income calculation errors to achieve standardization, consistency and enhance operations as USHUD requirements become more precise
- On an on-going basis, the Municipality continues to evaluate the goals and strategies that have been established concentrating on the following:
  - A high level of customer service;
  - Quality affordable housing opportunities;
  - Continuum of housing opportunities for all program participants;
  - Improving the overall Program administration, whereby making it more flexible and efficient
- Has been actively promoting freedom of housing choice so as to achieve spatial deconcentration of extremely low-income families within our homogeneous community
- Continue with our established goal of providing improved conditions for extremely low income families, while maintaining their rent payments at an affordable level
- Provide an incentive to private owners to rent their dwelling units to economically disadvantaged families by offering timely assistance
- Tenants are oriented regarding the Equal Opportunity Act and the Hearing/Complaints processes
- Equal opportunity was offered to all participants including persons with disabilities
- Equal opportunity handouts and other orientation material are available for participants
- Equal opportunity handout is placed on the PHA main office

***Sexual Offenders and VAWA Policies***

See Appendix 2

**PHA Plan Update**

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

6.0

None

(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan.

**All documents related to the PHA plan will be available at:**

Departamento de la Vivienda  
Calle Francisco G. Bruno Núm. 7 Este  
Guayama, 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.*

N/A

8.0	<p><b>Capital Improvements.</b> Please complete Parts 8.1 through 8.3, as applicable.</p> <p>N/A</p>
8.1	<p><b>Capital Fund Program Annual Statement/Performance and Evaluation Report.</b> As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p>N/A</p>
8.2	<p><b>Capital Fund Program Five-Year Action Plan.</b> As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p>N/A</p>
8.3	<p><b>Capital Fund Financing Program (CFFP).</b>  <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p> <p>N/A</p>
9.0	<p><b>Housing Needs.</b> Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p>See Appendix 1</p>

9.1	<p><b>Strategy for Addressing Housing Needs.</b> Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. <b>Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</b></p> <p><u>Identified Need #1:</u> Shortage of affordable housing for all eligible populations</p> <p>Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:</p> <ul style="list-style-type: none"> <li>• Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction</li> <li>• 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.</li> <li>• Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. At least one orientation meeting will be conducted to inform potential landlords of leasing opportunities.</li> <li>• Participate in the Consolidated Plan development process to ensure coordination with broader community strategies. Assist to Consolidate Plan Public Hearing</li> </ul> <p>Strategy 2: Increase the number of affordable housing units by:</p> <ul style="list-style-type: none"> <li>• Apply for additional section 8 units should they become available</li> </ul> <p><u>Identified Need #2:</u> Specific Family Types: Families at or below 30% of median</p> <p>Strategy 1: Target available assistance to families at or below 30 % of AMI</p> <ul style="list-style-type: none"> <li>• Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance</li> </ul> <p><u>Identified Need #3:</u> Specific Family Types: The Elderly</p> <p>Strategy 1: Target available assistance to the elderly</p> <ul style="list-style-type: none"> <li>• Apply for special-purpose vouchers targeted to the elderly, should they become available</li> </ul> <p><u>Identified Need #4:</u> Specific Family Types: Families with Disabilities</p> <p>Strategy 1: Target available assistance to Families with Disabilities</p> <ul style="list-style-type: none"> <li>• Apply for special-purpose vouchers targeted to families with disabilities, should they become available</li> </ul> <p><u>Identified Need #5:</u> Specific Family Types: Races or ethnicities with disproportionate housing needs</p> <p>Strategy 1: Conduct activities to affirmatively further fair housing</p> <ul style="list-style-type: none"> <li>• Counsel Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units</li> <li>• Market the Section 8 Program to owners outside of areas of poverty /minority concentrations</li> </ul>
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	<p><u>Other Housing Needs &amp; Strategies:</u></p> <ul style="list-style-type: none"> <li>• Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA</li> <li>• Reviewing Payment Standard</li> </ul>
<p>10.0</p>	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year Plan.  <b>Please refer to Section 5.2 of this template.</b></p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification”</p> <p><b>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:</b></p> <ul style="list-style-type: none"> <li>• <b>Changes to rent or admissions policies or organization of waiting list;</b></li> <li>• <b>Any modification to the PHAs Mission Statement or any substantial modification to the Municipality’s goals and objectives</b></li> </ul> <p><b>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.</b></p> <p>(c) Sexual Offenders and VAWA Policies  <b>See Appendix 2</b></p> <p>(d) Membership of the Resident Advisory Board or Boards  <b>See Appendix 3</b></p> <p>(e) Newspaper Ad Promoting and Announcing the Hearing Process  <b>See Appendix 4</b></p> <p>(f) List of Persons Assisting to the Public Hearing  <b>See Appendix 5</b></p> <p>(g) Form HUD-50077-CR: <i>Civil Rights Certification</i>  <b>See Appendix 6</b></p> <p>(h) Form HUD-50077-SL: <i>Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan</i>  <b>See Appendix 7</b></p>
<p>11.0</p>	<p><b>Required Submission for HUD Field Office Review.</b> In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(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.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p> <p><b>See Appendix 8 (Only those that apply for this PHA)</b></p> <p>(a) <i>Form HUD-50077, and</i>  (b) <i>Resident Advisory Board (RAB) comments.</i></p>

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

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

## **Instructions form HUD-50075**

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

### **1.0 PHA Information**

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

### **2.0 Inventory**

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

### **3.0 Submission Type**

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

### **4.0 PHA Consortia**

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

### **5.0 Five-Year Plan**

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

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

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

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

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

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

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

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

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

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

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

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

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

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

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

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

- (a) **Hope VI or Mixed Finance Modernization or Development.** **1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: **(1)** A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and **(2)** A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm)  
**Note:** This statement must be submitted to the extent that **approved and/or pending** demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: **1)** A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

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

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

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

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

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

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

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

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

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

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

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

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

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

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

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

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

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

Appendix 1: (Section 9.0) Housing Needs

<b>Housing Needs of Families on the PHA's Waiting Lists</b>			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	<b>239</b>		<b>50</b>
Extremely low income <=30% AMI	<b>183</b>	<b>77</b>	
Very low income (>30% but <=50% AMI)	<b>50</b>	<b>21</b>	
Low income (>50% but <80% AMI)	<b>6</b>	<b>2</b>	
Families with children	<b>223</b>	<b>93</b>	
Elderly families	<b>2</b>	<b>1</b>	
Families with Disabilities	<b>3</b>	<b>1</b>	
Race/ethnicity	<b>HISPANIC</b>	<b>100</b>	
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
If yes:			
<b>HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)? 12</b>			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed?			
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2010 grants)</b>		
a) Public Housing Operating Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	<b>\$ 1,076,628.00</b>	
f) Resident Opportunity and Self- Sufficiency Grants		
g) Community Development Block Grant		
h) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>		
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>		
<b>Total resources</b>	<b>\$ 1,076,628.00</b>	HAP and Administrative Fee are estimated based on January 2010 budget.

## Housing and Homeless Needs Assessment

To determine the housing needs in the Municipality we used the Chas Data Available for Guayama. A formula was used that considered the following:

- Renters and owners units with housing problems
- Housing units with cost burden (housing units in which the householder is paying more than 50% of its income in mortgage or rent.)

According to the CHAS data the estimated number of Housing with need for the 2009-2013 period is 6,297 units. The following table shows the estimated number and types of families with housing need for the 5 year period of this plan.

### Renter Households

Household Income	Elderly	Small Related	Large Related	All Other	Total Renters
Housing Need -30 MFI	30	429	120	83	662
Housing Need 30-50 MFI	34	158	104	12	308
Housing need 50-80 MFI	49	198	88	23	358
Housing need 80+ MFI	33	246	113	43	435
<b>Total Households</b>	<b>146</b>	<b>1031</b>	<b>425</b>	<b>161</b>	<b>1,765</b>

### Owner Households

Household Income	Elderly	Small Related	Large Related	All Others	Total Owners
Housing Need -30 MFI	175	534	230	220	1160
Housing Need 30-50 MFI	208	258	133	29	628
Housing need 50-80 MFI	220	283	177	53	732
Housing need 80+ MFI	218	1,079	604	110	2,010
<b>Total Households</b>	<b>821</b>	<b>2,155</b>	<b>1144</b>	<b>412</b>	<b>4,532</b>

### Persons with HIV/AIDS:

The services required by the population with HIV/AIDS are:

- Economic support (70.8%)
- Short and long-term housing (50%)
- Psychological services (40.1%)
- Medication (34%)
- Medical treatment (37.7%).

For the purpose of this plan the housing need for HIV/AIDS is 187 units.

### Housing Condition:

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

### HOMELESS:

The Department of Family of Puerto Rico, in compliance with HUD's requirements, carried out a Census of the Homeless Population of Puerto Rico along with a survey, per Coalition (The Guayama coalition consists of the following municipalities: Guayama, Arroyo, Patillas, Salinas, Coamo). Within the Guayama Coalition there are 31 homeless persons. The general characteristics of the homeless are:

- 65% (17) were living on the streets and 4% (1) was living in a shelter.
- 68% (21) were men, while 29% (9) were women and 1 did not say.

- 75% (23 out of 31) of the interviewed homeless are adults who are alone, and there is 1 out of the 31 that is with a child.

**Cost Burden:**

There are 1,595 families ongoing severe cost burden according to the table above (including renters and owners). Renters that pay over 50% of their income on rent, are a population at risk of becoming homeless and therefore, should be assisted by the Municipality of Guayama as homelessness prevention.

**Elderly Population:**

For the purpose of this plan the number of elders with need is those with housing problems and cost burden. According to CHAS data a total of 968 households are in need.

Identified needs of the elderly population:

- A woman has more needs when she reaches the age of 62 because she has less income and a greater tendency to live alone than men. For these reasons specific services must be offered.
- There is a great need of accessible housing.
- It is necessary to offer recreational and support activities for elderly persons in the different communities.
- It is necessary to offer adequate and accessible housing.
- It is necessary to offer the elderly the alternative of re-training and employment.
- Housing units are needed that are located near transportation hubs, commercial zones, pharmacies, medical facilities, among others.
- There exists a need for safer communities.
- It is necessary to improve the quality of rental housing.

**Persons with alcohol and drug addiction:**

The population of persons with alcohol and drug addiction in Guayama is diverse and presents multiple needs. According to ASSMCA there are 1,375 drug users and 69 alcohol users registered for services.

**Public Housing Need:**

The public housing need was calculated using the data from the public housing and section 8 waiting lists and the CHAS Data. Based on this data it is estimated that there is a need of approximately 662 public housing units.

**Battered and Abused women:**

According to the most recent police data at the Guayama region 1,147 women were victims of domestic violence. In addition a total of 36 restraining orders were awarded by the courts.

**Lead Based Paint:**

Approximately 5,678 housing units has a potential risk of containing lead based paint.

**Transition Table 1C  
Summary of Specific Housing/Community Development Objectives  
(Table 1A/1B Continuation Sheet)**

Obj #	SPECIFIC OBJECTIVES	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome Objective*
	<b>IV. HOMELESS OBJECTIVES</b>					
GHLO1.1	Provide rental subsidy to 10 families to prevent homelessness	Section 8/ HPRP	HOUSEHOLDS ASSISTED	10		
GHLO1.2	Provide outreach services to initiate the rehabilitation process	CoC/Local	OUTREACH ACTIVITIES	50		
GHLO1.3	Provide prevention services to population at risk	Local	ORIENTATION IN SCHOOLS	5		

Obj #	SPECIFIC OBJECTIVES	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome Objective*
GHLO1.4	Provide supportive services to the homeless	Local/CDBG/State ESG/CoC	PERSONS	50		
GHLO1.5	Participate in the CoC	Local	PARTICIPATION	1		
GHLO1.6	Prepared proposals to request funds to serve the homeless or persons at risk of becoming homeless	Local	PREPARATION OF PROPOSALS	3		
GHLO1.6	Continue the implementation of the Homeless Management Information System	HPRP	PARTICIPATION IN THE HMIS	1		
	<b>VIII. SPECIAL NEEDS OBJECTIVES</b>					
GSPO 1.1	Promote the creation of non institutional housing for the elderly	Local/Federal	REQUEST FUNDS	1		
GSPO 1.2	Provide homecare services	CDBG/Local	PERSONS SERVED	300		
GSPO 1.3	Provide home health services	Local/State/Federal	PERSONS SERVED	200		
GSPO 1.4	Provide transportation services	Local/State/Federal	PERSONS SERVED	200		
GSPO 1.5	Provide other public services	Local/State/Federal/CDBG	PERSONS SERVED	500		
GSPO 2.1	Provide recreational services to public housing residents	Local/State/Federal	NUMBER OF CLINICS AND PERSONS SERVED	100		
GSPO 2.2	Provide extended hours educational services to public housing residents	Local/State/Federal	YOUTH SERVED	100		
GSPO 2.3	Provide employment training to public housing residents	WIA	PERSONS	25		
GSPO 2.4	Provide other public services to public housing residents	Local/State/Federal/CDBG	PERSONS	100		
GSPO 3.1	Provide on the job training and other employment services	WIA	PERSONS	200		
GSPO 3.2	Creation of a drug/alcohol rehabilitation program	Local/State/Federal	CREATION OF	1		
GSPO 3.3	Coordinate the provision of job and employment opportunities for this population	Local/State/Federal	PERSON	200		
GSPO 3.4	Creation of sport and recreational programs for the youth	Local/State/Federal	Youth	1,500		
GSPO 3.5	Provide extended hours educational services	Local/State/Federal	Youth	200		

**Table 1B**  
Need of Special Populations

SPECIAL NEEDS SUBPOPULATIONS	Priority Need Level High, Medium, Low, No Such Need	Unmet Need	Dollars to Address Unmet Need	Goals
Elderly	HIGH	967	\$9,670,000	50
Frail Elderly	HIGH			
Severe Mental Illness	MEDIUM	1,245	\$12,450,000	-
Developmentally Disabled	MEDIUM			-
Physically Disabled	HIGH			50
Persons w/ Alcohol/Other Drug Addictions	HIGH	580	\$5,800,000	20
Persons w/HIV/AIDS	HIGH	166	\$12,000,000	5
Other	-	0	0	
<b>TOTAL</b>		2,958	\$39,920,000	

**Table 2B  
Priority Community Development Needs**

Priority Need	Priority Need Level	Unmet Priority Need	Dollars to Address Need	5 Yr Goal Plan/Act	Annual Goal Plan/Act	Percent Goal Completed
Acquisition of Real Property	M	10	\$15,000,000			
Disposition						
Clearance and Demolition						
Clearance of Contaminated Sites						
Code Enforcement						
Public Facility (General)	H	15	\$20,000,000	2/		
Senior Centers	H	5	\$10,000,000	1/		
Handicapped Centers	H	3	\$7,000,000	1/		
Homeless Facilities						
Youth Centers	H	10	\$2,000,000	3/		
Neighborhood Facilities	H	20	\$15,000,000	1/		
Child Care Centers	H	5	\$10,000,000	1/		
Health Facilities	H	4	\$30,000,000	1/		
Mental Health Facilities	L					
Parks and/or Recreation Facilities	H	15	\$30,000,000	5/		
Parking Facilities						
Tree Planting						
Fire Stations/Equipment						
Abused/Neglected Children Facilities						
Asbestos Removal						
Non-Residential Historic Preservation						
Other Public Facility Needs	H	10	\$40,000,000	5/		
Infrastructure (General)						
Water/Sewer Improvements	H	25	\$30,000,000	3/		
Street Improvements	H	50	\$50,000,000	10/		
Sidewalks	H	20	\$10,000,000	2/		
Solid Waste Disposal Improvements	M	2	\$50,000,000			
Flood Drainage Improvements	M	2	\$10,000,000			
Other Infrastructure	H	20	\$20,000,000	1/		
Public Services (General)						
Senior Services	H	20	\$10,000,000	2/		
Handicapped Services						
Legal Services						
Youth Services	H	10	\$2,000,000	5		
Child Care Services	H	5	\$4,000,000	2/		
Transportation Services	H	5	\$20,000,000	1/		
Substance Abuse Services	H	2	\$2,000,000	1/		
Employment/Training Services	H	5	\$10,000,000	1/		
Health Services	H	20	\$40,000,000			
Lead Hazard Screening						
Crime Awareness	H	5	\$1,000,000	1/		
Fair Housing Activities						
Tenant Landlord Counseling						
Other Services	H	40	\$50,000,000	5/		
Economic Development (General)						
C/I Land Acquisition/Disposition						
C/I Infrastructure Development						
C/I Building Acq/Const/Rehab						
Other C/I						
ED Assistance to For-Profit	H	200	\$15,000,000	5/		
ED Technical Assistance	M	200	\$1,000,000			
Micro-enterprise Assistance	H	400	\$5,000,000	10/		
Other						

**Barriers to affordable Housing:**

Impediments	Action To Be Taken
Lack of affordable housing	(GHO 1.1) Guayama Housing Objectives 1.1- Provision of assistance for the rehabilitation of existing housing units. (GHO 1.2)- Guayama Housing Objective 1.2 -Provide rental housing vouchers to eligible families- Using Housing Choice Voucher Program funds the Municipality will provide tenant based rental assistance to eligible families (GHO 1.3) Guayama Housing Objectives 1.3- Request funds for the development of affordable housing units.- Funds will be requested to

Impediments	Action To Be Taken
	<p>the Puerto Rico Department of Housing for the development of affordable housing (rental and housing).            (GHO 2.1) – Guayama Housing Objective 2.1- Develop infrastructure that will support the construction of affordable housing. Using local, state, or federal funds the Municipality will develop infrastructure that will promote the development of affordable housing.            (GHO 3.1)- Guayama Housing Objective 3.1 Promote the development of affordable housing by no profit organizations. Provide technical assistance to a local group to allow them to develop an affordable housing project.</p>
Lack of developable land.	<p>The Municipality will request funds from the state legislature for the acquisition of land for the development of affordable Housing.            The Municipality will request the Puerto Rico Department of Housing to transfer land to low income persons for the development of housing.</p>
Approval process and fees	<p>The administration will continue its efforts to obtain the autonomy under the Puerto Rico Municipal Law. This will allow the city to control the permitting process and provide fast track for the development of Low Income Housing.</p>
Lack of knowledge of available programs and resources	<p>The Municipality will coordinate with non profit organizations to request HOME fund from the Puerto Rico Department of Housing for the development of affordable housing.</p>

**Anti Poverty Strategy:**

The municipal authorities in Guayama will adopt the following principles and guidelines for an effective anti-poverty strategy:

- Adopting the issue of alleviating poverty and social exclusion as a formal and central goal of the municipality;
- Creating an organizational structure which includes: a public advisory board comprising the relevant community actors; a municipal steering committee headed by the city's mayor, that will set municipal policy in the form of a coherent and comprehensive plan of action; and an executive committee for poverty alleviation situated within the welfare department and charged with implementation;
- Cooperation: a successful anti-poverty strategy requires cooperation with other state- and local level agencies. It is recommended that the municipality strengthen its ties with these agencies, preferably under the auspices of a national authority for dealing with poverty.
- Creating strategic partnerships with the different community actors involved in this field, both from the business community and third sector including advocacy and support groups. This effort will require a clear-cut formulation of the nature of these partnerships and will necessitate the establishment of a mechanism for efficient overseeing, which will allow for effective monitoring of non-governmental bodies.

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

### **Policy for Sexual Offenders**

The Municipality of Guayama has established standards that prohibits admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Guayama (RQ017) will screen the family by performing a criminal history backgrounds check, necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the dwelling unit is located and in other State where the household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a Certificate of Penal Records.

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

### **Policy for VAWA**

The Violence against Women Act (VAWA), Public Law 109-162 was signed into law on January 5, 2006. Section 603 of the law amends Section 5A of the US Housing Act (42 U.S.C. 1437c-1) which requires PHA's five-year and annual plans to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Sections 606 and 607, respectively, amend the Section 8 and public housing sections of the U.S. Housing Act (42 U.S.C. 14437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking as well as members of the victim's immediate families from losing their HUD assisted housing as a consequence of the abuse of which they were the victim. While awaiting new guidelines from the Department of Housing and Urban Department for implementing VAWA, the Municipality of Guayama has adopted the following goals and objectives as part of its Domestic Violence Policy:

- A. VAWA applies to the Housing Choice Voucher Program as well as any other Subsidized Housing Program administered by the Municipality.
- B. The applicant/tenant/victim will be treated with respect and dignity.
- C. The Municipality of Guayama will notify the Housing Choice Voucher owners and managers of VAWA.
- D. The Municipality of Guayama will notify voucher holders of their rights under VAWA including the possible portability of vouchers between jurisdictions to escape an imminent threat of further domestic violence or stalking.
- E. VAWA will be incorporated into the landlord and tenant briefing process, respectively.
- F. Necessary confirming amendments to the Housing Choice Voucher Program rules, regulations, and paperwork will be further addressed upon receipt of guidelines from the Department of Housing and Urban Development.

## **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 Woman Affairs Office (Oficina Asuntos de la Mujer), which is part of the Office for Support to the Citizen (Oficina Ayuda al Ciudadano). This Office provides the citizens of Guayama services for social comfort directed to avoid violence against woman and child, promote equal opportunities and eradicate discrimination. These include referrals and coordination of services and activities such as workshops and speeches.

### **(b) Obtain or Maintain Housing**

The PHA's Federal Programs Office (Oficina Programas Federales) with the purpose of providing affordable decent, safe, and sanitary housing to the citizens of Guayama, administers the following programs: Section 8 Program, HOPWA Program, and 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 the Woman Affairs Office (Oficina Asuntos de la Mujer).

Also, the PHA provides supportive services through the Municipal Office for Integrated Services (Oficina de Asuntos Municipal de Servicios Integrados or AMSI). These services include education and jobs opportunities, among others.

The PHA briefs Section 8 Tenants and Landlords regarding VAWA, and as deems necessary (or requested) referrals are made to the pertinent agencies.

Through the Recreational & Sport Department, VAWA is prevented by developing innovative educational programs keeping in mind the primarily goal which is enhancing life quality. This is reached 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 Guayama, promoting the practice of all sport types

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

### **Membership of the Resident Advisory Board or Boards**

All the head of the participants' families, that are model representatives of the Section 8 Program, were invited to a meeting where they were invited to become part of the Participants' Board. Those who accepted are the designated members of the Board.

In the PHA (Municipality of Guayama) 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 Guayama, Mrs. María Vicente Colón is the Section 8 Program Coordinator.

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

1. Miriam S. Torres Picart
2. Virgen S. Díaz Vega
3. Daisy Hernández Bermúdez
4. María Dávila Martínez
5. Yamirca Nieves Meléndez
6. Gladys Cruz Lebrón
7. Miriam Vázquez Báez
8. Priscila Vidal Román
9. Carmen J. Ortiz Colón
10. Vilma Rivera García
11. Milagros Montes Flores
12. Aida Dávila Martínez

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

PRIMERA HORA viernes, 5 de febrero de 2010

**AVISOS Y SUBASTAS**

**edúcate**

Organización de escuelas en vulnerabilidad y colegios técnicos

Estado Libre Asociado de Puerto Rico  
**Gobierno Municipal de YAUCO**  
 Secretaría de Asuntos Federales,  
 Vivienda y Desarrollo Urbano  
 APARTADO 1 YAUCO, PUERTO RICO 00659

**AVISO DE VISTAS PÚBLICAS**

El Municipio de Yauco, cumpliendo con las disposiciones de la Ley Federal del Departamento de Vivienda y Desarrollo Comunal de Estados Unidos (HUD) comenzará el proceso de planificación y redacción de su Plan anual 2010-2011 correspondiente al Plan Consolidado de cinco años (2009-2013).

Para el año Programa 2009-2010 se estima una asignación de fondos federales similar a la recibida durante el año programa 2009-2010 de \$1,465,017.00. Estos fondos serán dirigidos a desarrollar comunidades urbanas, a través de la provisión de viviendas decentes y asequibles, un ambiente de vida adecuado y expandir oportunidades económicas principalmente a personas de ingresos bajos y moderados.

A tales efectos y en cumplimiento con la Sección 91.105 del Título 24 del Código de Regulaciones Federales (24 CFR) y conforme al Plan de Participación Ciudadana, la Administración Municipal de Yauco invita a las Agencias del Gobierno Estatal, grupos comunitarios, entidades sin fines de lucro y a la comunidad en general a participar en las vistas públicas a celebrarse los días y horas que se indican a continuación:

18 de febrero de 2010	10:00 a.m.	Salón Protocolar, Segundo Piso Casa Alcaldía
3 de marzo de 2010	7:00 p.m.	Salón Protocolar Segundo Piso Casa Alcaldía

El propósito de las vistas es identificar las necesidades específicas de las comunidades y recibir comentarios y/o sugerencias sobre posibles proyectos y/o actividades a realizarse con fondos CDBG. Pueden presentar sus comentarios a mejorar la calidad de vida y desarrollo de las comunidades en desventaja económica de modo verbal durante las audiencias públicas o remitirlas por escrito a la siguiente dirección: **Municipio de Yauco, P.O. Box 1 Yauco, Puerto Rico 00698**, no más tarde del 18 de marzo de 2010. El personal de la Secretaría de Asuntos Federales evaluará las mismas para determinar la elegibilidad de las peticiones y así incluirlas en el Plan de Acción para el Año Programa 2010, el cual se presentará a HUD en o antes del 15 de mayo del corriente.

Si algún residente de Yauco, agencia pública o persona jurídica tiene alguna pregunta sobre este aviso o tiene necesidad de la presencia de expertos en lenguaje señas para persona sordomudos o traductores para los que no hablen español, pueden comunicarse con la Srta. Gisela Delgado Pacheco, Directora de la Secretaría de Asuntos Federales a los teléfonos 787-267-4008/787-856-2385 o visitar personalmente la Oficina ubicada en la Calle Comercio esq. Betances #3, en horas de oficina de 8:00-12:00 m. y 1:00-4:30 pm a fines de establecer las coordinaciones necesarias para asistirlo.

El Municipio de Yauco es un patrono con igualdad de Oportunidades de Empleo. No discrimina por razones de raza, religión, color, origen y sexo. Las audiencias públicas se realizarán en lugares accesibles, libres de barreras arquitectónicas a personas con limitaciones físicas.

**Abel Nazario Quiñones**  
Alcalde de Yauco

**PRIMERA HORA**

**PARA PAUTAR SU ANUNCIO EN ESTA SECCIÓN LLAMAR AL 641-5454 EXT. 4603**

**Gobierno de Puerto Rico**  
Departamento de Transportación y Obras Públicas  
Autoridad Metropolitana de Autobuses

**DISPOSICIÓN PROPIEDAD EXCEDENTE**  
A: SECRETARIOS, JEFES DE AGENCIAS, ALCALDES, PRESIDENTE DEL SENADO, PRESIDENTE DE LA CÁMARA DE REPRESENTANTES Y JUEZ PRESIDENTE DEL TRIBUNAL SUPREMO DE PUERTO RICO

La Autoridad Metropolitana de Autobuses está en el proceso para la disposición de las siguientes unidades:

Núm. de Propiedad	Cant.	Descripción	Año
02-01 / 02-02 / 02-04 / 02-05 / 02-08 / 02-09 / 02-10 / 02-11 / 02-12 / 02-13 / 02-14 / 02-15 / 02-16 / 02-17 / 02-19 / 02-20 / 02-21	1	Ford E-350	2002
02-24 / 02-28 / 02-29 / 02-31 y 97102	5	Chevrolet Express Van	2002 y 1997
97003 / 97008 / 97010/ 97015/ 97019/ 97041 y 97072	7	Nova Bus	1997
Mobiliario y Equipo de Oficina	--	VARIOS	--

Dichas unidades han sido declaradas propiedad excedente. La mayoría de estas unidades cumplieron su vida útil; otras sufrieron daños accidentales y serán ofrecidas a las entidades gubernamentales, según nuestro reglamento vigente.

Dicho Reglamento determina que se dará prioridad a las entidades gubernamentales y municipios interesados que soliciten la propiedad excedente.

De tener interés la entidad gubernamental que usted dirige en estas unidades, favor de comunicarse con la Oficina del Área de Servicios Generales y Seguridad Industrial, al teléfono (787) 294-0500, extensión 240, para coordinar la cita de inspección de las mismas.

Posterior a la inspección, de interesarle alguna unidad, deberá solicitarla por escrito en un término no mayor de diez (10) días, en sobre sellado dirigido a la Junta de Subastas de la Autoridad Metropolitana de Autobuses. Dicha solicitud deberá estar firmada por el Alcalde en caso de Municipios o por los Secretarios o Directores de Agencias, según sea el caso.

La Autoridad Metropolitana de Autobuses permitirá inspeccionar las unidades el día **8 de febrero de 2010, desde las 10:00AM hasta las 3:00PM** y recibirá propuestas económicas el **18 de febrero de 2010, hasta las 2:00PM** en la oficina de correo de la Agencia.

**Rubén A. Hernández Gregorat, MEM, PE**  
Secretario

**Mike O'Neill Rosa**  
Presidente y Gerente General

Apartado 195349, San Juan, Puerto Rico  
00919-5349

Estado Libre Asociado de Puerto Rico  
**Gobierno Municipal de Canóvanas**  
 P.O. Box 1612  
 Canóvanas, Puerto Rico 00729-1612  
 Tel. (787) 876-2328 • (787) 876-4167  
 Fax (787) 256-4082

**AVISO DE SUBASTA**  
 NÚMERO DE SUBASTA 007-2009-2010  
**CONSTRUCCIÓN SALÓN DE ACTIVIDADES, CARRETERA 186, KM. 9 BO. CUBUY, CANÓVANAS, PUERTO RICO**

Las especificaciones y documentos para dicha subasta se obtendrán en forma digital, a partir del 8 de febrero de 2010 en la Oficina de Secretaría Municipal mediante depósito de \$100.00 en cheque certificado "Money Order" o efectivo. Este depósito no será reembolsable al licitador. Las proposiciones deben venir acompañadas de una fianza provisional montante a no menos del cinco por ciento (5%) del monto de la propuesta en cualesquiera de las formas que se expresan a los documentos contractuales.

**PRE-SUBASTA : FEBRERO 18 DE 2010**  
**HORA : 10:00 A.M.**  
**LUGAR : Salón de Actividades Multi-Usos Calle Autonomía, esquina Pepita Albandoz**

**CELEBRACIÓN SUBASTA: MARZO 11 DE 2010**  
**HORA : 10:00 A.M.**  
**LUGAR : Salón de Actividades multi-usos calle Autonomía, esquina Pepita Albandoz**

La Pre-Subasta para el proyecto será mandatoria y es requisito la compra de planos y especificaciones para participar en la misma.

Será responsabilidad del licitador, traer toda la documentación necesaria según se solicita en los documentos de Subasta. Toda licitación debe venir en sobre cerrado y especificar en la parte exterior del sobre nombre de la Compañía, dirección física y postal, teléfono, fax, así como el nombre del proyecto.

La Junta de Subastas del Municipio de Canóvanas se reserva el derecho de aceptar y/o rechazar todas o cualesquiera de las propuestas y de adjudicar la Buena Pro, no solamente por el precio sino tomando en consideración los mejores intereses del Municipio de Canóvanas.

Este aviso forma parte de las especificaciones de la Subasta.

Dado hoy 8 de febrero de 2010.

**Luz M. Figueroa Ramos**  
Secretaría Municipal y  
Secretaría Junta de Subastas

**José M. Rodríguez Estrada**  
Vice-Alcalde y Presidente de la  
Junta de Subastas

Estado Libre Asociado de Puerto Rico  
**MUNICIPIO AUTONOMO DE GUAYAMA**  
 OFICINA DE SECCIÓN 8  
 APARTADO 380, GUAYAMA, PUERTO RICO 00785-0380

**AVISO PÚBLICO**

El Departamento de Vivienda del Municipio Autónomo de Guayama ha preparando el Programa Sección 8 correspondiente al periodo 2010-2015 y el Plan Anual para el año programa 2010. El plan y todos los documentos asociados a este, están disponibles para ser examinados en las Oficinas Administrativas del Departamento de la Vivienda del Municipio de Guayama durante horas laborales 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 a la Oficina del Programa de Sección 8, localizada en:

**Dirección Física:** Departamento de la Vivienda  
Calle Francisco G. Bruno Núm. 7 Este  
Guayama, PR 00785

**Dirección Postal:** P.O. Box 360  
Guayama, PR 00785

El Municipio de Guayama 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**

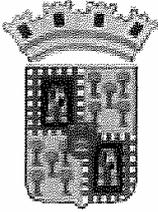
Plan de 5 años, Plan Anual del Municipio Autónomo de Guayama  
 A efectuarse en La Casa del Rey, Calle Genaro Cautido (esquina) Guayama  
 El miércoles, 24 de marzo de 2010 a las 9:30 A.M.

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) 864-0600, ext. 2253.

Les invita,

**Hán. Clotimara Jaime Rodríguez**  
Alcaldesa

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



**PLAN DE 5 AÑOS / ANUAL**  
 (PERIODO DE JULIO 1, 2010 A JUNIO 1, 2015)  
**PROGRAMA SECCION 8**

**MUNICIPIO DE GUAYAMA**

Página 1  
 de 1 págs.

*Hoja de Asistencia*

VP: 24 de marzo de 2010

NOMBRE:

FIRMA:

Rosicela Vidal Román

24 marzo /10

Virgen L. Diez Vega

24 marzo /10

Miriam Vojtoy

24 marzo /10

Camila Ortiz Eche

24 marzo /10

Gladys Cruz Lebrón

24 marzo 2010

Yolma I. Rivera Garcia

24 Marzo -2010

Milagros Montes Flores

24 Marzo 2010

Waisly Hernández Bermúdez

24 / marzo / 2010.

Yasmín Reyes Meléndez

24 / marzo / 2010.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

(Form HUD-50077-CR)

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

**Civil Rights Certification**

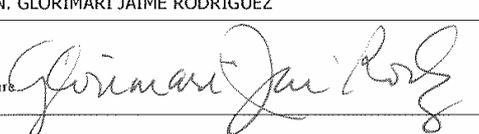
**Annual Certification and Board Resolution**

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

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

MUNICIPALITY OF GUAYAMA  
 PHA Name

RQ017  
 PHA Number/HA Code

<small>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)</small>	
Name of Authorized Official  HON. GLORIMARI JAIME RODRIGUEZ	Title  MAYOR
Signature 	Date MARCH 24, 2010

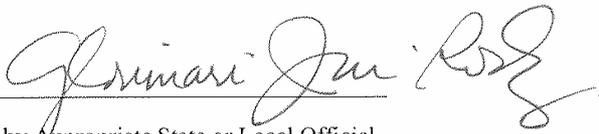
Appendix 7: (Section 10.0 (h)) Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan

(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 Office of Public and Indian Housing Expires 4/30/2011
--	--

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

I, Glorimari Jaime Rodríguez the Mayor certify that the Five Year and Annual PHA Plan of the Section 8 Program (RQ017) is consistent with the Consolidated Plan of the Municipality of Guayama prepared pursuant to 24 CFR Part 91.

March 24, 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)

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

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

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the  5-Year and/or  Annual PHA Plan for the PHA fiscal year beginning 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.

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 Guayama \_\_\_\_\_ RQ017 \_\_\_\_\_  
 PHA Name PHA Number/HA Code

- 5-Year PHA Plan for Fiscal Years 20 10 - 20 15  
 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. GLORIMARI JAIME RODRIGUEZ	MAYOR
Signature 	Date
	MARCH 24, 2010

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

**BEFORE PUBLIC HEARING:**

The Board revised the Plan's draft (form HUD-50075). They were oriented regarding the process and were asked to come and invite others to the Public Hearing. No comments were made.

**AFTER PUBLIC HEARING:**

On March 24, 2010, the Public Hearing began with the presentation of the RAB and the lecture of the public notice. Then the plan was fully discussed and revised.

As part of the Hearing, the PHA briefed the assistants about:

1. Section 8 Program
2. Minimum rent
3. The RAB and the PHA plans
4. Different housing options and services in the Municipality

The RAB did not have any question regarding the Plan, they just comment that they like the idea of combining the next PHA plan meeting with other workshops, like been offered information regarding jobs and educational opportunities in the area.

Due to the fact that there were no comments and doubts were clarified, the Resident Advisory Board endorsed the Plan.

Attached next is the endorsement letter.

PLANES PHAs 2010

MUNICIPIO DE Guayama  
Programa Sección 8

CERTIFICACION VISTA PÚBLICA

La Junta de Participantes del Programa Sección 8 del Municipio de Guayama,  
certifica que el 24 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.

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)

Se orientó sobre el Programa Sección 8, sus  
planes de 5 años, Anual y Administrativo.

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  
Guayama.

Certificamos lo anterior como correcto, hoy 24 de marzo de 2010:

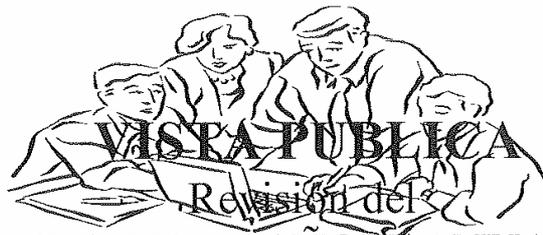
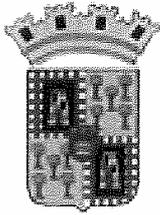
Nombre:

Rosicela Vidal Román  
Digna L. D. Vega  
Miriam Vaginas  
Concepción...

Firma:

24 marzo 2010  
24 marzo 2010  
24 marzo 2010  
24 marzo 2010

(Firmas Continúan en 2<sup>da</sup> Hoja).



**VISTA PÚBLICA**  
 Revisión del  
**PLAN DE 5 AÑOS / ANUAL**  
 (PERIODO DE JULIO 1, 2010 A JUNIO 1, 2015)  
**PROGRAMA SECCION 8**

**MUNICIPIO DE GUAYAMA**

Página 2da

Certificación  
 Vista Pública

*Hoja de Asistencia*

*VP: 24 de marzo de 2010*

NOMBRE:

FIRMA:

<u>Gladys Cruz Lebrón</u>	<u>marzo 24- 2010</u>
<u>Vilma D. Rivera Garcia</u>	<u>24- Marzo- 2010</u>
<u>Milagros Montes Flores</u>	<u>24 Marzo 2010</u>
<u>Glaiy Hernández</u>	<u>24 / marzo / 2010.</u>
<u>Yasmín Arce</u>	<u>24 / marzo / 2010</u>
<u> </u>	<u> </u>

**CITY OF GUAYAMA**  
**GUAYAMA, PUERTO RICO**

**RQ-017**



**SECTION 8**  
**HOUSING CHOICE VOUCHER PROGRAMS**

**ADMINISTRATIVE PLAN**



*Honorable Héctor L. Colón Mendoza*  
*Mayor*

\*\*\*\*\*

*Mrs. María Vicente*  
*Section 8 Director*

REVISED JULY 2007



**Chapter 13 - Moves with continued Assistance/Portability**

**Chapter 14 - Contract Terminations**

**3**

**Chapter 15 - Denial or Termination of Assistance**

**4**

**Chapter 16 - Owner Disapproval and Restriction**

**5**

**Chapter 17 - Owner of Family Debts**

**6**

**Chapter 18 - Complaints and Appeals**

**7**

**Chapter 19 - Special Housing Types**

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## CHAPTER 1

# STATEMENT OF POLICIES AND OBJECTIVES

### Introduction

The Section 8 Program was enacted as part of the Housing and Community Development of 1974, which amended the US Housing Act of 1937. From its inception through consolidation of the Section 8 Certificate and Voucher Programs under the Quality Housing and Work Responsibility Act of 1998, and up until the present, the history of the tenant-based rental assistance pro renters, has been one of growth, refinement, and responsive in meeting the needs of low-income families, physically challenged individuals and elderly households in meeting their needs of securing decent, safe and affordable housing. The tenant-based Section 8 program is federally funded and administered by the City of Guayama through its Federal Funds Office.

Furthermore, the aim of the Municipal Tenant-Based Program is to assist families during financial distress, while gradually reducing the amount paid by the program in an efficient manner as well as motivating these same families. The City of Guayama has adopted the following mission statement:

- *To assist families during financial distress, provide affordable, decent and sanitary housing, while promoting economic opportunities and motivation so that these same families may achieve economic independence.*

The City of Guayama has revised its administrative plan so it may cover the merger of the Certificate and the Voucher Program, respectively, according to the Quality Housing and Work Responsibility Act of 1998, 24 CFR 903, Section 545. All references hereinafter are to the regulations currently in effect for the Housing Choice Voucher Program, as they may be amended. Except as expressly provided herein, all of the provisions of the City of Guayama's Administrative Plan for the Voucher Program will apply to all programs that are currently being administered by this City.

Administration of the Housing Choice Voucher Program and the functions and responsibilities of the Public Housing Agency (PHA) staff shall be in compliance with the City of Guayama's Personnel Policy and the Department of Housing and Urban

Development's (HUD) Section 8 Regulations as well as Federal, State and local Fair Housing Laws.

## Jurisdiction

The jurisdiction of the PHA is within the City of Guayama, Puerto Rico.

### A. Mission Statement for the City of Guayama

To provide quality and affordable housing to eligible low-income residents of the City of Guayama as well as establish the necessary partnerships so that they can achieve personal goals related to: (1) Literacy and education; (2) Health and wellness; (3) Job training and employment leading to economic self-sufficiency and homeownership. The City of Guayama strives to support this mission by ensuring integrity in our operational and financial management while providing the following:

- Good stable housing through diligent upkeep, new development and high utilization of Housing Choice vouchers as well as recruiting good private landlords;
- Safe environment where the residents live and employees work;
- Social services delivered directly and through community partners intended to empower residents as well as improve their quality of life;
- Human Resources training and staff development to enable employees to be highly productive, efficient and above all customer service oriented.

### B. Local Goals and Objectives (24 CFR 982.1)

The Housing Choice Voucher Program is designed to achieve the following:

1. Consolidate the Section 8 Voucher and Certificate Programs into a single market-driven program.

2. To promote freedom of housing choice and spatial deconcentration of extremely low income and minority families.
3. To provide decent, safe and sanitary housing for eligible families.
4. To provide improved conditions for extremely low-income families while maintaining their rent payments at an affordable level.
5. To create incentives and economic opportunities for residents that are assisted by PHA's to work and become self sufficient.
6. Increase accountability and reward effective management of PHA's.
7. To provide an incentive to private owners to rent their dwelling units to families that are economically distressed, whereby, timely assistance payments are offered as well as protection against unpaid rent, damages, and vacancy loss.
8. Compliance with the Rental Housing Integrity Improvement Project (RHIP) as established in HUD regulations so as to assure improving any and all deficiencies detected during the RIM Reviews and/ or SEMAP Certification conducted by HUD or its designee.
9. To develop and implement a strong financial management system so as to ensure HUD's goal of improving efficiency and oversight to make certain that the correct amount of assistance goes to the families that need it the most.
10. To develop strategies that coordinate the use of housing assistance under the Housing Choice Voucher Program with public and private resources, to enable families eligible to receive assistance under this same program achieve economic independence and self-sufficiency.

C. Purpose of the Plan [24 CFR 982.54]

The purpose of this Administrative Plan is to delineate the corresponding policies to be carried out by the program staff in a manner consistent with HUD requirements and local goals and objectives contained within the Agency Annual Plan. It should be noted that the plans, statements, and policies set forth and/or referenced in this same plan all lead towards accomplishing Guayama's goals and objectives.

The City of Guayama is responsible for complying with all changes in HUD regulations. If such changes conflict with this Plan then HUD regulations will prevail. The City will revise this Administrative Plan as needed to comply with changes approved and enacted in HUD regulations. This same plan is a supporting document to the PHA Agency Plan, and is available for public review as required by 24 CFR 903.17.

Applicable regulations included:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Housing Choice Voucher Program

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

D. Rules and Regulations [24 CFR 982.52]

This same plan is set forth to define the City's local policies for the operation of the housing program in the context of federal laws and regulations. All issues related to Section 8 not addressed in this document are governed by Federal Regulations, HUD memos, Notices and guidelines, or other applicable laws. The policies that have been delineated in this Administrative Plan have been done so as to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

With the merger of the Section 8 Certificate and Voucher Programs, respectively, the purpose of this administrative plan is to establish achievable policies for items not covered under Federal regulation for the Housing Choice Voucher

Program. Other subsidized housing Programs are covered by this same plan, as well. The following have been repealed under the QHWRA regulations recently enacted:

1. Take one-take all;
2. Shopping incentive;
3. 3-month holdback;
4. Federal preferences have been eliminated.

The following will be adhered to by the PHA:

- The City will promote a greater choice of housing opportunities for eligible families beyond the City's jurisdiction or MSA, when necessary.
- Families holding a voucher will be advised that it is their responsibility to find an existing unit suitable to their individual needs within the PHA's jurisdiction or MSA.
- By no means will the actions of the City reduce, directly or indirectly the opportunities of the family to choose among the available units in the housing market.
- The voucher holder will be advised that he or she may select a unit which he already occupies if the unit qualifies as existing housing and meets or can be made to meet the Housing Quality Standards.
- Upon request, the City will provide, without limiting opportunities of families to select assistance in finding units to those families who because of age, handicap or other reasons are unable to locate such approved housing units.
- Information on available units which may become available to the City because of its program and outreach efforts to attract new owners, will be posted in the owners' registry and in no way will the City direct a family to a specific property thus limiting their right to choose and select.

- ❑ Where a family alleges that illegal discrimination is preventing them from finding a suitable unit the City will provide reasonable assistance in this matter by directing the aggrieved to the necessary agencies.
- ❑ When circumstances permit, communication with neighboring PHA's will be established to offer available vouchers to families which may be participating in the Housing Choice Voucher Program of the other PHA but are contemplating moving to the area of operation of the City.

E. Fair Housing Policy (24 CFR 982.54(d)(6))

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

The City of Guayama shall not deny any family or individual the equal opportunity to apply for or receive assistance under its locally administered Section 8 Program on the basis of race, color, sex, religion, creed, national or ethnic origin, familial status, handicap or disability.

To further its commitment with full compliance of applicable Civil Rights laws, the City will provide Federal and State information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of discriminatory acts. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request from the staff.

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

The City has agreed that it will comply with all Equal Opportunity requirements, both State and Federal such as:

1. The Fair Housing Act, 42 U.S.C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
2. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (implementing regulations 24 CFR part 1);
3. The Age Discrimination Act of 1975, 42 U.S.C. 6101-6107 (implementing regulations at 24 CFR part 146);
4. Executive Order 11063, Equal Opportunity in Housing (1962) as amended. Executive Order 12259, 46 FR. 1253 (1980), as amended. Executive Order 12892, 59 FR. 2939 (1994) (implementing regulations at 24 CFR part 107);
5. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (implementing regulations at 24 CFR part 8); and
6. Title II of the Americans with Disabilities Act, 42 U.S.C. 12101, et. Esq.:
  1. For the application of equal opportunity requirements to an Indian Housing Authority see 24 CFR 950.115;
  2. The City must submit a signed certification to HUD of the PHA's intention to comply with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

F. Reasonable Accommodation Policy [24 CFR 100.202]

It is the policy of the City of Guayama to be service oriented in the administration of our housing program as well as to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as accommodation of their disability before the City will treat a

person differently than anyone else. The City's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program as well as related services. The availability of requesting an accommodation will be made known during the briefing of Voucher holders as well as sensitivity training of the staff so that they in turn may advise anyone needing such a service. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the City, when the City initiates contact with a family including when a family applies, and when the City schedules or reschedules appointments of any kind.

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

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

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 24 CFR 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability is excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

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

If the City finds that the requested accommodation creates an undue administrative or financial burden, the City will deny the request and/or present an alternate accommodation that will still meet the need of the person. An undue administrative burden is one that requires a fundamental alteration of the essential functions of the City (i.e., waiving a family obligation). An undue financial burden is one that, when considering the available resources of the Agency as a whole, the requested accommodation would pose a severe financial hardship on the City.

The City will provide a written decision to the person requesting the accommodation within 15 days. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the City's decision as set forth within this same plan.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the written consent of the person with the disability. All Municipal mailings will be made available in an accessible format upon request, as a reasonable accommodation.

G. Verification of Disability

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

H. Management Assessment Objectives

The City of Guayama operates its housing program resources in a manner that reflects its commitment to quality and service. The City policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators:

- ✓ Selection From the Waiting List;
- ✓ Reasonable Rent;
- ✓ Determination of Adjusted Income;
- ✓ Utility Allowance Schedule;

- ✓ HQS Quality control Inspections;
- ✓ HQS Enforcement;
- ✓ Expanding Housing Opportunities;
- ✓ Payment Standards;
- ✓ Annual Re-examinations;
- ✓ Correct Tenant Rent Calculations;
- ✓ Pre-Contract HQS Inspections;
- ✓ Annual HQS Inspections;
- ✓ Lease-Up;
- ✓ Family Self-Sufficiency Enrollment and Escrow Account Balances;
- ✓ Deconcentration Indicator.

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

- ✓ Selection from the Waiting List;
- ✓ Rent Reasonableness;
- ✓ Determination of adjusted Income;
- ✓ HQS Enforcement;
- ✓ HQS Quality Control.

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail. The minimum sample size to be reviewed will related directly to each factor.

I. Staff Functions

The following functions will be performed by the local Section 8 housing staff:

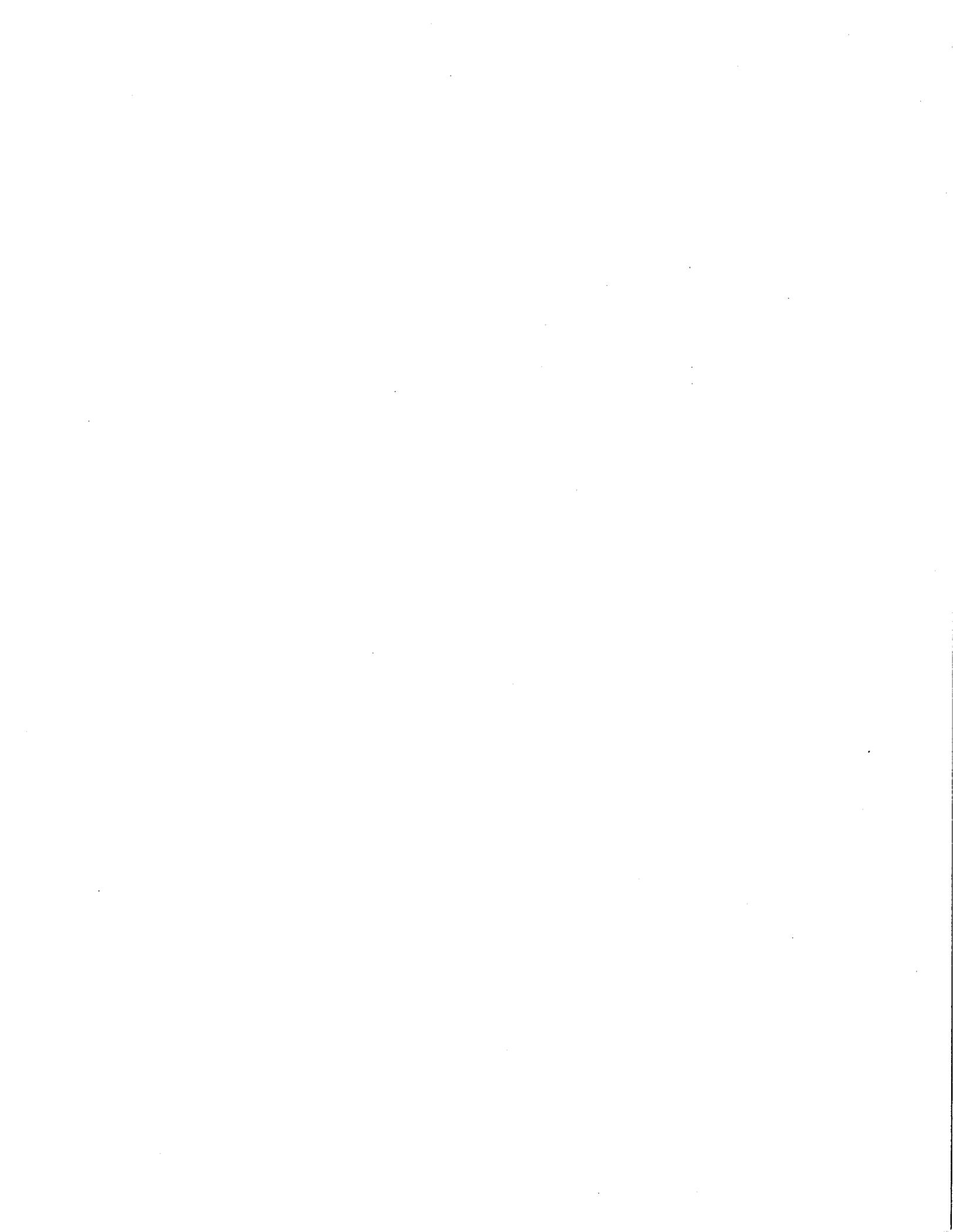
1. Prepare all necessary documents, budget, forms, and any files which may be required for the efficient administration of the program;
2. Prepare and/or adapt the necessary forms, information, instructions, and material required for the organization and implementation of the subsidized housing program;
3. During the leasing schedule and intake period, the staff will coordinate, supervise, organize, and actively participate in the following:
  - a. Outreach to eligible families and homeowners;
  - b. Determination of family eligibility and tenant selection, so as to ensure compliance with income targeting as stipulated in QHWRA;
  - c. Verification of income and determination of total tenant payment;
  - d. Briefing the family of the various subsidized housing programs approved by HUD and administered by the City;
  - e. Briefing the family and issuance of vouchers;
  - f. Compliance by homeowners of Housing Quality Standards as established by existing HUD regulations as well as the required initial, interim and annual inspections;

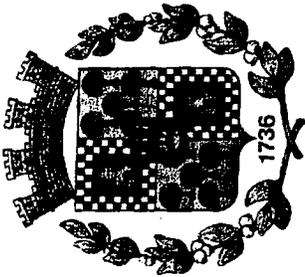
- g. Lease approval and contract execution in accordance with existing regulations;
- h. Provision of housing information and services to recipient families;
- i. Conduct initial, interim and annual certifications as required by HUD regulations;
- j. Briefing of the family on established regulations concerning mobility and portability to ensure compliance with QHWRA of deconcentration of families;
- k. Prompt HAP payments to participating homeowners;
- l. Briefing of the families and participating homeowners concerning existing HUD regulations about terminations and evictions;
- m. Monitoring applicable payment standards as established under QHWRA which is to be set between 90%-110% of the Fair Market Rents for the PHA jurisdiction;
- n. Assure compliance of security deposits and claims for damage and unpaid rents;
- o. Briefing of families concerning the policy for informal hearing for denial, reduction and/or termination of assistance as required by existing HUD regulations;
- p. Compliance by Families in the other subsidized housing programs that maybe administered by the City.
- q. To develop and implement a strong financial management system so as to ensure HUD's goal of improving efficiency and oversight to make certain that the correct amount of assistance goes to the families that needed it the most.

- r. To develop strategies to coordinate the use of housing assistance under the Housing Choice Voucher Program with public and private resources, to enable families eligible to receive assistance under this same program achieve economic independence and self-sufficiency.
- s. Briefing of families concerning the policy for informal hearing for denial, reduction and/or termination of assistance as required by existing HUD regulations.
- t. Compliance by Families in other subsidized housing programs that maybe administered by the City.

J. Program Staff

The Housing Choice Voucher Program extends the PHA's fiscal responsibility and flexibility to manage subsidy funds and administrative costs in an efficient manner in accordance with QHWRA, section 502(b). Whereby, the staff directly involved in the administration of the Housing Program in this City, will be so designated in accordance with the number of units assigned to the Program as stated in the ACC between the City and HUD. The organizational chart for this City is as follows:



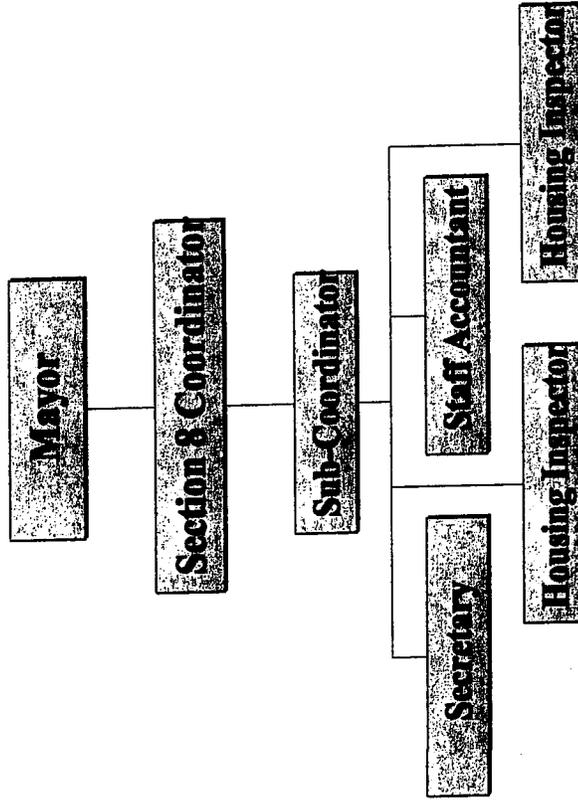


# City of Guayama

## Section 8 Tenant-Based Program

Hon. Héctor L. Colón Mendoza

Mayor



K. Privacy Rights [24 CFR 982.551 and 24 CFR 5.212]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886/9887 Authorization for Release of Information. This document incorporates the Federal Privacy Statement and describes the conditions under which HUD/PHA will release family information.

The City of Guayama policy regarding release of information is in accordance with State and local laws which may restrict the release of family information. Furthermore, any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in the client's file, which is confidential, or returned to the family member after its use. The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the Mayor and/or the Program Director.

The PHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff. The staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action. **ALL FILES MUST BE SIGNED FOR WHEN REMOVED FROM THE SECURED FILE STORAGE AREA.**

L. Outreach Efforts [24 CFR 982.153(b)(1) and 24 CFR 982.54(d)(5)]

1. Eligible Families

A public notice will be published announcing the opening and closing of the waiting list in a newspaper of general circulation. Subsequently, the publication will be posted prominently in all local government facilities, and other public buildings informing all interested individuals, families, and groups of both the intent, purpose, and eligibility requirements of the program itself, as well as indicating both the time and place where additional information may be obtained in accordance with existing HUD regulations.

Special outreach efforts such as conducting field canvassing in low income areas, where living conditions are such, as to make existing residents' possible

prospects for being participants under this same program. Inform all local civic organizations as well as State agencies located within the City of the existence of the program, and request their assistance in disseminating information regarding the program to their respective members or clientele served.

It should be noted that all notices and outreach methods utilized under the program will be carried out in accordance with both Equal Opportunity and Non-Discrimination laws in existence as they relate to housing.

## 2. Homeowners

Contact with prospective homeowners and real estate brokers will be made by advertisements in local newspapers inviting them to participate within the program. Informational correspondence will be directed to the local Real Estate Agents, merchants, local banks, mortgage companies and professional organizations informing them of the program and its benefits so as to enable them to properly inform their respective clients. Efforts will be made to reach the maximum number of owners and real estate brokers within our community.

It is the intent of the City to create a special informational brochure for homeowners and tenants providing basic but complete information on all major aspects of the program.

When both staff and time considerations permit, a field survey will be made in those areas where acceptable housing is available to determine the location of possible additional dwelling units.

A program policy will be established ensuring good communication among all parties, as well as prompt, accurate, and timely payments to individual homeowners, hence, encouraging the homeowner's confidence in continuing to participate within the program. This in turn will encourage other homeowners to participate in the program.

The City of Guayama believes very strongly that it must encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty and racial concentration by the following methods:

- a. The City will make personnel available to speak before fraternal, social and religious groups, in order to inform the membership of these groups of the policies, benefits, and program requirements of leasing units by homeowners under our housing programs.
- b. Post notices in public places in order to advise those interested persons, parties, and groups where information regarding the leasing of units may be obtained.
- c. Affirmatively further fair housing goals and comply with equal opportunity requirements by visiting homeowners of suitable housing units outside of minority areas so as to explain the program's operational policies, as well as the numerous benefits to be derived from participating in the program.
- d. Conduct other outreach programs such as conducting public hearings in order to explain program benefits and policies to not only prospective homeowners but also to prospective tenants as well. The public hearings will be held at centrally located places at times convenient to the general population.

M. The City of Guayama's Code of Conduct [ 24 CFR 986.161]

The public expects, and has a right to demand, that public employees maintain a high standard of ethical conduct. Maintaining the trust of the public means properly using government resources, information and power, which entails ensuring that the public sector serves the public and the Government of the day. Moreover, it means putting public interest before self interest as well as operating by the rules, the Acts, and guidelines which are designed to protect the public interest.

At all levels of government, officials should be sensitive to the actions they may take to create an appropriate control environment. People within any organization, be it government or private, must be convinced that senior officials believe that effective controls are essential and expect that each member of the organization will adhere to prescribed control procedures. The atmosphere that prevails in the form of control discipline, attitude and awareness significantly affects an organization's ability to achieve

an effective level of control, implementation and execution. The factors which influence the level of discipline, attitude and awareness comprise the control environment.

It is useful to reflect on a number of control areas which, in terms of the significance usually attached to them, make an important contribution to the government control environment. The control environment is directly influenced by the degree of oversight formally exercised by a legislative body. While the presence of an appropriate level of legislation oversight can have a positive influence on the control environment, it should also be recognized that an operative but an ineffective oversight role may have the opposite effect. Within most levels of government, a civil service or comparable personnel system exists to provide, among other things such as benefits, equity in job assignment, promotion and pay. The existence of a system of control over the establishment of positions, the life of such positions, and the qualifications and status of the employees who occupy positions has a major influence on control discipline and awareness.

Most units of government have instituted sophisticated procurement systems and procedures. These often complex procedures have been adopted in an attempt to:

1. To ensure equity in selection of vendors;
2. To ensure uniformity in the application of procurement procedures.

Bearing this in mind, the City of Guayama established and implemented a Code of Conduct and Ethics, which sets forth the conduct required by Municipal employees, including the staff of the Municipal Section 8 Office. The Code of Conduct and Ethics derives from various pieces of legislation such as the Human Resources Law for Public Servants (PL#5, October 14, 1975), the Municipal Autonomous Law (P. L. #81, August 30, 1991), Governmental Ethics Law of the Commonwealth of Puerto Rico, Law #12, July 24, 1985, Article 2 of the Civil Code and Article 20 of the Penal Code, 1974 and 24 CFR 982.161. All applicable regulations regarding the enforcement of the code of ethics are mandated by State regulations and are enforced by the State Office of the Controller and the State Office of Government Ethics.

The Code of Conduct and Ethics is based on principles, values, and behaviors outlined in the legislation and common law which establishes certain minimum standards or general obligations applying to the parties to any employment relationship. The Code is a formulation of policies, rules or guidelines that define the specific actions applicable to

the employees of the City of Guayama for a range of specific ethical issues, integrity and conduct.

The City is a complex organization comprising a diversity of populations that have different relationships to one another. These may be relations of power and/or status. It is essential in such a society that all members recognize and respect not only their own rights and responsibilities, but also the right and responsibilities of other members of the community and those of the municipal staff. Cognizant of this fact, the City of Guayama delineated and adopted a Code of Conduct and Ethics that will hereby adhered to by the employees of the City. The following constitutes the Code:

**1. Introduction**

The Code of Conduct and Ethics, hereinafter referred to as the Code, is a statement of the ethical principles, values and behaviors expected of the employees of the City of Guayama. It stems from the belief that the values of openness, honesty, tolerance, fairness and responsibility in social and moral matters are fostered by the City. The Code is intended to assist employees to identify and resolve ethical issues that might arise during their employment with the City. Moreover, the Code puts forward a set of general principles rather than detailed determinations. The principles of the Code do not specify every potential act of behavior but rather, establish the obligations generally expected of the employees of the City in their relationship with Government, their chief executive, colleagues, and the public. It stands beside, but does not exclude or replace, the rights and obligations of the staff under law.

The first principle of the Code is concerned with public servants' obligations to Government in the performance of their official duties. Essentially, the first priority for public servants is to carry out Government policy. In doing so, they are expected to act in a manner which will bear the closest public scrutiny. Employees are obliged to serve the aims and objectives of the Municipal Government. Employees should ensure that their personal interests or activities do not interfere with, or appear to interfere with this obligation.

## **2. Code of Conduct and Ethics**

The Code of Conduct and Ethics establishes six principles of conduct which all public employees of the City of Guayama are to expected to observe and adhere to:

- A. There are a number of circumstances which may affect an employee's observance of these obligations, and the Code therefore provides guidelines for an appropriate conduct in a variety of contexts.
- B. In performing their duties, Municipal employees should respect the rights of their colleagues and the public.
- C. Employees should carry out their duties in an efficient and competent manner, and avoid behavior which might impair their effectiveness.
- D. Employees should fulfill their lawful obligations with professionalism, honestly, faithfully, efficiently, and avoid situations which might compromise their integrity or otherwise lead to conflicts of interest.
- E. Develop a consciousness understanding with the Municipal employees about what constitutes just cause in any disciplinary action taken.
- F. To assist those employees who are demonstrating a conduct that is contrary to these same rules as they are outlined in this chapter.

## **3. Rules of Conduct**

- A. A municipal employee must behave honestly and with integrity in the course of employment with the City of Guayama.

- B. A municipal employee must act with care and diligence in the course of employment with the City of Guayama.
- C. A municipal employee must comply with lawful and reasonable directives given by someone in the employee's Agency who has authority to give such operating instructions. In other words, the municipal employee shall not commit insubordination. For purposes of this rule, insubordination shall be defined as not submitting to authority, being insolent or refusing without just cause to comply with instructions.
- D. A municipal employee, when acting in the course of employment with the City of Guayama, must treat everyone with respect, courtesy and without harassment.
- E. A municipal employee must maintain appropriate confidentiality about dealings with the Mayor, the Mayor's Staff Members and the general public.
- F. A municipal employee must disclose, and take reasonable steps to avoid any and all conflict of interest (real or apparent) in connection with their employment with the City.
- G. A municipal employee must use the City of Guayama resources in an efficient and proper manner.
- H. A municipal employee must not provide false or misleading information and/or testimony in response to a request for information that is made for official purposes in connection with their employment with the City of Guayama.
- I. A municipal employee when acting in the course of employment with the City of Guayama, must comply with all applicable Commonwealth of Puerto Rico as well as all Federal Laws enacted by the Congress of the United States. For purposes of this rule, Commonwealth of Puerto Rico and Federal Laws, respectively, means:

1. Any Act, or any instrument made under an Act;
  2. Any Law of the Commonwealth of Puerto Rico or Federal, including any instrument made under such a law.
- J. A municipal employee must not make improper use of:
1. Inside information;
  2. The employee's duties, status, power, or authority;
- K. In order to gain, or seek to gain, a benefit of advantage for the employee or for any other person.
- L. A municipal employee must at all times behave in a way that upholds the values, integrity and good reputation of the City of Guayama.
- M. A municipal employee representing the City of Guayama, within the Commonwealth of Puerto Rico or abroad, must at all times behave in a way that upholds the good reputation of the City. For purposes of this rule, aboard is defined as visiting any foreign country or the United States mainland.
- N. No Municipal employee may accept or solicit any gift, favor or service that might reasonably tend to influence the office or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the independence of judgement in the performance of the officer's or employees' official duties.
- O. No municipal employee may engage in business or professional activity for personal gain on Municipal property. For purposes of this rule, business or professional shall be defined as selling, buying, loaning or any other particular activity so as to benefit and/or obtain benefit from it.

- P. Failure to follow instructions, inattentiveness or inability by the employees of the City of Guayama from the Agency head constitutes an infringement upon the rights and privileges of other employees.
- Q. No employee of the City shall intentionally intercept either verbal or written communication, be that as it may, official and/or private.
- R. Municipal employees shall be subject to disciplinary action as provided for in this chapter who, either as a principal actor, aider, abettor, or accomplice and interfere with the personal rights and privileges of others, or the municipal functions, which violates any provision of this division and/or commits any of the following personnel, property, or status offenses which are hereby prohibited:
1. Property Offenses related to the work area:
    - a. It shall be considered an offense by an employee who commits malicious mischief. Intentional or negligent damage to, or destruction of, any municipal facility or any other public and/or private real or personal property.
    - b. Employees of the City of Guayama are expected to use all municipal facilities and equipment efficiently, carefully and honestly. Resources should be used economically, secured against theft or misuse and waste avoided.
    - c. Unauthorized use of municipal equipment, personal and/or public property, or supplies shall be considered an offense as well as permit that this same equipment, property or supplies are destroyed, lost and/or harm comes to it. Converting of municipal equipment or supplies

for personal gain or use with proper authority is not permitted.

- d. Theft and robbery. It will consider an offense, punishable under the Penal Code of the Commonwealth of Puerto Rico, of any theft, robbery and improper use of public and/or personal property, supplies, and services of the City as defined in Art. 166,33 L.P.R.A., sect. 4272 of the Penal Code.

2. Personal Offense related to the work area:

- a. Assault, reckless endangerment, intimidation or interference upon another person.
- b. Disorderly, abusive, bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts the work area or administrative functions.
- c. Derogatory statement or physical contact. Engaging in unwelcome derogatory statement, other verbal and/or physical contact which causes discomfort or humiliation and interfere with job performance.
- d. False complaint, defamation of character and/or bearing false witnesses. Filing a formal complaint falsely accusing another employee or official of the City with violating a provision of this chapter.
- e. Refraining from any conduct arising from malice or negligence of rules and regulations as well as generally accepted security norms that would harm and/or place in danger, directly or

indirectly, the lives of municipal employee or general public.

- f. Municipal employees may not get involved in or perpetuate a quarrel within municipal facilities during working hours.
- g. Employees should refrain from utilizing their public post for politically oriented purposes or other purposes which are not compatible with the public service being rendered by the municipal administration.
- h. Employees which have been charged with a criminal act which implies a moral depravation shall be dismissed.
- i. Employees shall refrain from violent or forcible acts in trying to bring the downfall of the governments of the Commonwealth of Puerto Rico or the United States of America.

3. Status Offenses related to the work area:

- a. Refusing to disclose information concerning a physical or contagious medical condition affecting the employee, and/or family members of this same employee which puts in danger or could present a health hazard to other employees.
- b. Forgery or alteration of records. Forging or tendering any forged records or instruments as defined in Art. 241, 33 L.P .R.A., sect. 4437, Art. 242, 33 L.P.R.A., sect. 4438, and Art. 272, 33 L.P.R.A., sect. 4592 of the Penal Code of the Commonwealth of Puerto Rico, as now law or hereafter amended, of any municipal record or

instrument to an employee acting in his/her official capacity as such.

- c. To perform the work required in a negligent form or disorderly manner.
- d. Refusal to do the work assigned or not do it in the time allotted, deliberate idleness or wasting time during working hours.
- e. Departing from the job route without just cause or authorization.
- f. Refusing to work overtime without just cause.
- g. Reporting late to work without justification.
- h. Absent from the work area without authorization or consistently being absent from work or tardiness without just cause.
- i. Falling asleep on the job or abandoning work area without proper authorization.
- j. Forging another employee's signature on time card or any assistance record.
- k. Not undertaking work, for which they are inadequately trained or experienced.
- l. Employees of the City of Guayama should avoid any activities, whether in connection with their official duties or otherwise, which might bring their department or the municipal government into disrepute, or jeopardize its relationship with the Mayor, clients, or the general public.

- m. Alcoholic beverages. Being demonstrably under the influence of any form of an alcoholic beverage. Possessing or consuming any form of an alcoholic beverage on municipal property.
- n. Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use of possession of any device or substance which can be used to inflict bodily harm or to damage public or personal property.
- o. Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined by law on municipal property, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.
- p. Employees may distribute and post any notice, posters or printed material within the municipal facilities with the consent of the Mayor.
- q. Employees may not take part in or get involved with games which are prohibited by law on municipal facilities during working hours.

#### **4. Code of Ethics**

The Code of Ethics for the City of Guayama is based on three universal and fundamental ethical principles. These are as follows:

##### **A. Equity and Justice**

People are to be treated fairly and will not be discriminated against, abused or exploited. Justice is concerned with power sharing and preventing the abuse of power. In a just society all members can access opportunities that allow for their full participation within the community.

B. Respect for People

Individuals should be treated as human beings with rights to be honored and defended. Respect empowers others to claim their rights and achieve their potential. Respect for the rights of others is the foundation on which individuals become members of the community and accept their social responsibilities to behave with sincerity and integrity. Membership of a community means that individuals not only have rights but that they also have duties and responsibilities to others to act openly and honestly.

C. Personal and Professional Responsibility

The main idea of taking personal and professional responsibility requires not only that people avoid doing harm to others but that they exhibit courteous behavior as well as upholding the standards expected of all employees of the City of Guayama as part of achieving a common good. Moreover, the employees are expected to protect the rights of others as well as respect the diversity of all cultures and peoples. Those individuals who assert their rights have a reciprocal duty to exercise care towards those who depend on them for their well being. This principle involves stewardship of assets, resources and the environment.

5. Rules of Ethics

The following principles will hereby be adhered to by the employees of the City of Guayama. The following factors are the foundation of our Code of Conduct and Ethics.

A. Fair, Equitable and Impartial Decisions and Procedures

Fairness requires that your decisions be honest, candid and impartial. Equity requires that each individual be given his/her due. Essentially, everyone deserves a fair chance.

B. Conflict of Interest

Municipal employees should take suitable measures to avoid, or appropriately deal with, any situation in which they may have, or be seen to have, a conflict of interest that could, directly or indirectly, compromise the performance of their duties. When staff members become aware of such a situation they should take

appropriate steps to disclose the conflict. Failure to do as well as a continuation of such a conflict of interest may lead to disciplinary action.

In accordance with 24 CFR Part 982.161 of the Federal Regulation, the following will hereby be adhered to by the staff members of the Municipal Section 8 Office:

1. Neither the City nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons have an interest, direct or indirect, during tenure or for one year thereafter:
  - a. Any present or former member or officer of the City (except a participant commissioner);
  - b. Any employee of the City, or any contractor, subcontractor or agent of the City, who formulates policy or who influences decisions with respect to the programs;
  - c. Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs;
  - d. Any member of the Congress of the United States.
2. Any members of the classes described in section 5(B), part 1, of this section must disclose their interest or prospective interest to the City and HUD.
3. The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

C. Confidentially

Staff members who have access to official Municipal documentation and information must take due care to maintain the integrity, confidentiality and privacy of such information so to protect any individual concerned. Municipal employees should also undertake to maintain the privacy of oral communication where that has been requested.

Furthermore, staff members of the Municipal Section 8 Office must take due care to respect the confidentiality and privacy of all concerned with the tenant-based housing programs administered and only provide information when authorized by the parties concerned, the Mayor, or for legitimate legal purposes and/or request by the Judicial system.

D. Acceptance of Gifts or Benefits

All municipal employees are aware of the fact their official position is a position of public trust and the public good will be compromised by seeking private gain. Municipal employees will not solicit, encourage or accepted gifts or benefits that could be reasonably seen as an inducement to act in a particular way or to place a staff member under any obligation that may either directly or indirectly compromise or influence them in their official capacity. Likewise, staff members are aware of the fact that it is a crime punishable under the Penal Code of the Commonwealth of Puerto Rico to use their official position to seek or obtain any financial or other advantage for oneself, their family, any other person and/or organization and to harass or oppress another person.

E. Patronage and Nepotism is Unacceptable

Municipal employees should take great care in treating colleagues, coworkers, and general public fairly. Employees should not favor friends or relatives when in dealing with Municipal programs of public interest, contracts for the supply of goods and services and/or appointing new staff members. Any appointments should be merit based and legislative requirements should be strictly adhered to. It is an unacceptable practice and contrary to abstracts emitted by the Puerto Rico Governmental Ethics Office to hire friends or relatives for a position without designating the position.

F. Obligations to Government and Political Neutrality

Employees are obliged to serve the aims and objectives of the Municipal Government through its elected official. Municipal employees should ensure that their personal interests or activities do not interfere with, or appear to interfere with, this obligation. As public servants are required to serve the Government of the day regardless of which political party is in office, they must act not only to ensure that their department maintains the confidence of its Mayor, but also that it is able to establish the same relationship with future Mayors.

Public servants have a recognized role in assisting with the development as well as the implementation of public policy. This may occur in different ways and at different levels within each department. It is the responsibility of public servants to provide honest, candid, impartial, and comprehensive advice to the Mayor, and to alert them to the possible consequences of following particular policies, whether or not such advice accords with the Mayor's views. Essentially, the municipal employees should exercise their judgement within the confines of legislative requirements, Government policy, ministerial direction and considerations of equity, efficiency and effectiveness.

Furthermore, the final decision on policy is the prerogative of the Mayor, and public servants may not withhold relevant information from the Mayor, nor seek to obstruct or delay a decision, nor attempt to undermine or improperly influence Government policy (for example, by the unauthorized release of official information).

The dilemma for public servants who hold strong personal beliefs on certain issues is recognized, but it is one which must be managed so as to avoid conflict with their official duties. It is the Mayor who bears the political responsibility for Government policies, and it is the role of the public servant to faithfully implement those policies to the best of their abilities. Once the Mayor has made a decision, it is the duty of the public servant to implement that decision within the law, whether or not they personally agree with it, with integrity, and to the best of their ability.

## 6. **Procedural Fairness**

The City of Guayama's procedures will have due regard for procedural fairness as called for under existing laws of the Commonwealth of Puerto Rico, namely the Municipal Autonomous Law of August 30, 1991. The principles of procedural fairness require people whose interests will be adversely affected by a decision to be given an opportunity to be heard, and decision makers to act without bias or self-interest, and to base their decisions on compelling or "logically probative" evidence.

The application of the principles of procedural fairness may vary, depending on the circumstances of the particular case or the way in which the particular statutory power is framed. In its fullest application, procedural fairness requires that:

- A. People against whom an adverse decision may be made must be informed of any allegations against them in as much detail as possible;
- B. Wherever possible people must be provided with an opportunity to put their case, and to hear the case against them, whether at an oral hearing or otherwise;
- C. Where a decision has to be made between competing interests, all parties to a matter must be heard and all arguments considered;
- D. No person judges their own case or a case in which they have a direct interest;
- E. Decision makers must act fairly and without bias.

7. **Action that may be taken if breach found to have occurred**

- A. If a determination is made that a municipal employee has breached either the Code of Conduct and/or Ethics, the employee may be counseled or a sanction may be imposed.
- B. If a sanction is imposed on the employee, the employee must be given a written statement setting out the reasons for the determination and the imposition of the sanction as called for under Section 6, part A of this same directive.
- C. Once a scrupulous investigation has been carried out and concluded by the Agency Head as authorized and called for in Section 8, subsection I of this same regulation.

- D. It shall be the responsibility of the Agency Head to recommend in the written statement what action is to be taken based on the findings and which Code did the employee violate.
- E. If a breach of the Code entail violating the Section 3, part R (1-3), respectively, as described within this same directive, then the disciplinary procedures set forth in Section 9 will be adhered to.
- F. If a breach of the Code entail violating the Section 5, subsection B and C, respectively, as described within this same directive, then the disciplinary procedures set forth in Section 9 will be adhered to.
- G. If a breach of the Code entail violating the Section 5, parts D and C, respectively, as described within this same directive, then the following shall take place:

- 1. Setup of the Municipal Ethics Board

In accordance with the Government Ethics Law of the Commonwealth of Puerto Rico as amended on July 18, 1999, herein after to be known as the Ethics Law. The City of Guayama is required to establish and implement a local Ethics Board. At a minimum the board shall consist of six members as dictated by Article IV, section B of the Ethics Law and all shall be so designated by the Mayor.

- 2. Ethics Board Procedures

After the Mayor and/or the Human Resources Director receives the report filled by the Agency Head, who did the investigation over the alleged breach of the Code of Ethics, the municipal Ethics Board will be convened. Upon presenting the report to the Ethics Board, the veracity of the report will be determined. Should the board determine that there exist a violation of the Code

of Ethics or any section of the Ethics Law, a report with all of the Ethics Board's finding, including the original report, shall be forward to the Puerto Rico Office of Governmental Ethics (O.E.G. as it is known in Spanish).

The Puerto Rico Office of Governmental Ethics will then proceed to investigate and determine the veracity of the reports in accordance with the Ethics Law as amended. Upon completing the investigation by the Puerto Rico Office of Governmental Ethics a determination will be rendered which could imply, but not necessarily, referring the case to the Puerto Rico Justice Department for processing as well as imposing economic sanctions for violating the Ethics Law.

Based on the decision rendered by the Puerto Rico Office of Governmental Ethics, the City could also process and impose their own sanctions as stipulated in Article 9 within this same directive.

## 8. Disciplinary Procedures

### Section 1: Investigation

Agency heads are hereby authorized to make an administrative inquiry, when it is understood that an employee has committed a breach of the Code of Conduct and Ethics or has observed a breach that is not written and/or included in the Code that affects the image of the City. Once the investigation has been concluded in relation to a suspected breach of the Code, a written record stating whether the employee has been found to have breached the Code must be prepared and presented to the Mayor or the Human Resources Director.

### Section 2: Procedures of the Presentation of Formal Charges

After having been officially appraised of the misconduct by an employee, the Mayor has 10 days to make a determination and upon doing so will send a written notification titled "A Notice of Formal Charges", to the employee who committed the breach. The notice will contain the following:

1. Name and last known address of the employee;
2. A brief detailed description of the suspected breach of the Code as well as specifying the grounds in which it must also set out the findings on material questions of fact and refer to the evidence or other material on which those findings were based;
3. The notification will contain the range of sanctions that may be imposed should there be a finding that the employee indeed breached the Code of Conduct and Ethics;
4. The notification will state that the employee has a right to request an administrative review before the Official Examiner of Disciplinary Matters. The employee will be afforded 15 working days after receiving the official notification to request such a review;
5. The notification will state where the review may be requested.
6. The notification will also state that the employee has a right to have legal representation present or any other qualified representation as well as witnesses present should there exist any.

### Section 3: Procedures of an Administrative Review

Any employee who has been served with a "Notice of Formal Charges," which specifies the grounds for suspension, with or without remuneration, or termination of employment will have a right to request an administrative review before the Official Examiner of Disciplinary Matters within 15 working days from the time that the employee was served the official notice.

The administrative review will consist of an informal hearing, which is presided by the Official Examiner of Disciplinary Matters, who shall be recognized as being competent in the field of Administration of Human Resources and shall so be designated by the Mayor. The proceedings of the hearing shall be taped-recorded and

maintained in a file labeled "In Confidence" along with the employees' file located within the Human Resources Department.

Should the employee not solicit an administrative review, for he/she has a right, within the time stipulated of 15 working days, the Mayor will have the discretion to impose the sanctions called for within the office notice.

Section 4: Right to Present Admissible Evidence and Dispute of Misconduct Allegations

Every employee, who has been charge with breach of the Code, will have the right to present evidence or testimony on his/her defense and to dispute any and all evidence that the City might have against him/her which lead to the belief that the accused employee is guilty of violating the Code of Conduct and Ethics.

Section 5: Official Examiner of Disciplinary Matters Report

Upon conclusion of the administrative review, the Official Examiner of Disciplinary Matters shall consider all the evidence therein presented and decide whether to uphold the decision of the disciplinary sanction proposed or not in a written report to the Mayor or Human Resources Director.

Section 6: Final Letter and Right to Appeal

Once the Mayor or Human Resources Director adopts the final decision or recommendation made by the Official Examiner of Disciplinary Matters, the employee will be notified of said decision in writing. The adopted sanction will take effect as soon as the employee has been notified. It will be an indispensable requisite that the Mayor notify the employee aggrieved by the findings or conclusions of his/her right to appeal pursuant to existing State Law and Regulations before the Appeals Board of the Personal Administration System (J.A.S.A.P as it is known in Spanish). The employee may appeal in/writing to the aforementioned Appeals Board within thirty (30) days following notification or letter of the final action taken.

**9. Sanctions or Disciplinary Actions**

The following disciplinary actions are hereby established and shall be imposed upon violators of the Code of Conduct and Ethics enumerated in this directive, and pursuant to the right of appeal as outlined in this chapter. These same actions can be imposed on an employee only after it has been determined that the employee has breached the Code.

Where such a determination has been made the Mayor and/or Human Resources Director may impose one or more of the following sanctions on the employee:

- Verbal Warning;
- Written Warning;
- Termination of Employment;
- Suspension of employment and wages for a maximum period of thirty (30) days;
- Suspension of employment, with remuneration;

It should be noted that where the sanction imposed is a warning, either verbal or written, the Mayor's decision shall be final and said decision can only be revised by the Appeals Board for the Personal Administration System (J.A.S.A.P). The sanction involving the suspension of employment and wages or suspension with remuneration as well as termination of employment the employee has a right to request an administrative review before the Official Examiner of Disciplinary Matters prior to the Mayor making a final determination.

**O. Statement Regarding the Steps the City will Take to Affirmatively Further Fair Housing**

The City of Guayama anticipates that the following activities will further fair housing, thereby benefitting those families, namely -the low and very low income families achieve safe, decent and affordable housing as well as self-sufficiency and economic independence. It should be noted that the insufficiency of affordable housing opportunities to meet the needs of the local population is the primary fair housing impediment, which

also hampers the successful implementation of any tenant-based rental assistance program including self-sufficiency and/or homeownership.

**ACTIVITIES:**

**REVIEW OF EXISTING HOUSING PROGRAM**

The City of Guayama will, in order to further fair housing within the community, review all existing dwellings and housing programs currently being carried out so as to assure that these very same programs and/or projects are implemented in conformance with existing applicable regulations. In addition, the City will undertake the following steps to ascertain that owners and participants are in compliance with fair housing laws as they are established by the Federal, State and Local governments, respectively:

1. In order to provide a suitable living environment, promote fair housing and remedy discrimination as well as encourage fair housing choice for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status and disability will be assured of because of the orientation offered to new or incumbent families and owners during their prospective participants. Brochures will be prepared and handed out covering Fair Housing in both Spanish and English, and these same brochures will be included in the owner's and participant's packet, respectively.
2. After a thorough review of our records and programs, each staff member of our PHA is uniquely aware of the existing Fair Housing laws and the importance of adherence to these same laws by the family, owner and staff. They have been instructed on the applicability of these same laws and how they must brief and/or provide proper notification to a new as well as actual owner or family.
3. The measures that will be undertaken to insure accessible housing to persons with all varieties of disabilities regardless of unit size are as follows:
  - (a) The local Housing Inspector will receive the proper training so that when a prospective home has been inspected, it complies

not only with established HQS but also with the American Disabilities Act.

- (b) Brief the owner concerning established Local and Federal laws on how to make the prospective dwelling unit comply with said laws and HQS as established by HUD.
- (c) Revise the payment standard in accordance with our plan so as to assure owner acceptance as well as the incentive to invest and make the dwelling unit an accessible unit for individuals with disabilities.

#### **COORDINATION BETWEEN PUBLIC/PRIVATE RESOURCES**

The City will contact public and private operators of housing, including local financial institutions located within Guayama, to provide them with both information and descriptive materials making them aware of the need to further fair housing.

#### **COORDINATING INFORMATION/REGULATIONS**

Working closely with the housing division of HUD, the City will obtain copies of regulations and other training aids in order to provide seminars, in order to create a public awareness of the importance of fair housing.

#### **CREATE AWARENESS OF LEAD BASE PAINT HAZARDS**

Since many of the private homes in Guayama were constructed prior to being informed that lead-based paint represented a health hazard to all the members of the household, and the effect that this same problem has upon children, the City of Guayama is committed both in a short term, as well as in the long-term, to work with the Puerto Rico Department of Housing, in order to both develop and implement a viable, effective, safe, and cost-effective method of reducing this same hazard. While a great many precautions currently exist, effective abatement and likewise, hazard reduction activity requires participation from providers and contractors, aside from individual residents.

Guayama feels rather strongly, that in order to create an effective system of abatement services it must coordinate its activities with other state agencies dealing with

this same problem. In cooperation with both the public and private sectors will initiate the following actions in order to achieve the most desirable results:

**ACTIVITIES:**

**COMPLYING WITH EXISTING REGULATIONS**

The City of Guayama, has a goal of working with the existing management of the various Public Housing Projects located within the Community, to review all units in cooperation with the State Housing Department and other applicable State Agencies over the five-year period of the Consolidated Plan, in order to both assist and coordinate the required abatement services required.

**P. Assistance to families that claim illegal discrimination**

The City of Guayama aids families that claim illegal discrimination by including discrimination complaint forms (in Spanish) in every briefing packet to new voucher holders and handing out forms to current participating upon request and by directing the aggrieved to the necessary agencies.

The following steps will also be undertaken by Municipal Housing staff:

**1. Services provided to families who allege they encountered discrimination after finding a unit.**

The City will make available the necessary informational forms and will assist where feasible with filing of any discrimination allegations. Applicants will be reminded of their Civil Rights and will be referred to the appropriate Agency for further action. The City may also contact the owner to discuss the equal housing laws and ascertain if there is any discrimination.

**2. Assistance given to Housing Choice Voucher holders in the exercise of their rights under Federal and State law.**

Members of the staff are familiar with existing antidiscrimination statues and responsible for assisting the Housing Choice Voucher program participants in exercising their rights and filling out their discrimination forms required by HUD. They are familiar with referring a family and/ or individual to the proper agency.

3. Information on State and Federal Fair Housing laws and use of HUD Form-903 to provide as follows.

The Fair Housing Laws are outlined in the new voucher holder's information packet and are gone over during the briefing by the housing staff. Fair Housing posters are located throughout the Municipal Section 8 Office.

## CHAPTER 2

### ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

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

#### Introduction

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

By maintaining an accurate waiting list, the City will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

#### A. Waiting List [24 CFR 982.204]

The City of Guayama uses a single waiting list for admission to its Section 8 Tenant-Based Housing Choice Voucher Program. Except for Special Admissions and target funding, applicants will be selected from the PHA waiting list in accordance with policies and income targeting requirements defined in this Administrative Plan. The City will maintain information that permits proper selection from the waiting list.

#### B. Administration of Waiting List

1. Except for special admissions participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list on a first-come, first-served basis, in accordance with this same plan, which includes Equal Opportunity.
2. The PHA has agreed to cooperate fully with HUD, in respect to when HUD provides funding to the PHA for a special purpose such as desegregation, Family Unification, etc., including but not limited to including funding for specified families and/or a specified category of families. The PHA has further agreed to issue the required voucher.

C. Organization of the Waiting List

The PHA will maintain information that permits the PHA to select qualified participants from the waiting list in accordance with PHA admission policies. The waiting list should contain the following information:

1. Applicant names;
2. Family composition (adults/children, age/sex);
3. Date and time of application;
4. Qualification for any ranking preference or local preference as set forth in this Plan;
5. Racial or ethnic designation of the head of household;
6. *Programs for which the PHA feels that the family qualifies for and would be interested in participating in under the umbrella of the subsidized housing program being administered by the PHA. Should the family not be interested in participating in any special program, this will not affect the place and position of the family on the waiting list.*

D. Treatment of Single Applicants

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

E. Selection of Applicants

✓ Admission of a family applicant

The PHA may admit an applicant for participation into its subsidized housing program as:

1. Special admission;
2. Waiting list admission.

F. Special Admissions [24 CFR 982.54(d)(3) & 982.203]

If HUD awards program funding that is targeted for specifically named families, the City of Guayama will admit these families under a Special Admission Procedure,

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

1. A family displaced, because of demolition or disposition of a public housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term, or if the owner decides to opt-out or prepays the mortgage;

Applicants who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the waiting list and are not maintained on separate lists.

G. Selection Preferences

1. Local Preference

According to the Quality Housing and Work Responsibility Act of 1998, federal preferences as we know them have been eliminated and in its place the local preferences based on the needs of the people will prevail.

In order to comply with the Federal law, the City has agreed to give preference for selection of families on the waiting based on the following:

- a. Victims of Domestic violence;
- b. Families that will be broken up due to removal of young children by the State Family Department or families that will be united by the return of the children but do have decent housing;
- c. Involuntarily displaced;
- d. Homeless or living in substandard housing;
- e. Paying more than 50 percent of income for rent;
- f. Single person with a disability or any member of the family applicant with a disability except under the provision set forth in Chapter 4, Eligibility for Admission, of this administrative plan;
- g. Single elderly person or family applicants with an elderly person;
- h. Other Preferences such as:
  1. Working families and those unable to work because of age or disability;
  2. Veterans and veterans' families;
  3. Those enrolled currently in educational, training;

Additionally, the City will further comply with Federal Regulations which state that not less than 75 % of new families must have incomes at or below 30% of the area median income within the City' s fiscal year. All other admissions generally will be at or below 50% of the area median, or up to 80% for families that meet eligibility criteria as set forth by the City.

2. Qualifying for a local Preference

- ✓ Victims Domestic Violence: An applicant qualifies for domestic violence if the applicant is living under conditions, which threaten the well being, health and safety of the family by an abusive member;
- ✓ Maintaining families together: An applicant qualifies for this preference when a family is threaten by a State Child Welfare Agency with the removal of the children due to inadequate housing or child abuse. This will ensure that the children who remain with, or who are reunited with, their families are safe, secure and not subject to neglect as a result of homelessness or inadequate housing;
- ✓ Displacement: An applicant qualifies for this preference if:
  1. The applicant has been involuntarily displaced and is not living in standard, permanent replacement housing;
  2. The applicant will be involuntarily displaced within no more than six (6) months from the date of preference status certification by the family or verification by the PHA.
- ✓ Substandard Housing: An applicant qualifies for this preference if the applicant is living in substandard housing. An applicant that is homeless, living in overcrowded conditions or in a shelter for the homeless will be considered as living in substandard housing;
- ✓ Rent Burden: An applicant qualifies for this preference if the applicant is paying more than 50 percent of family income in rent;
- ✓ Certification of Preference: An applicant may claim qualification for a Local Preference by certifying to the PHA, that the family qualifies for a local preference. The PHA has agreed to accept this certification, unless it is verify that the applicant is not qualified for a local preference;
- ✓ Verification of Preference: Before an applicant is admitted on the basis of the local preference, the applicant must provide information

needed by us as the PHA in order to verify that the applicant qualifies for a local preference because of the applicant's current status. It is further agreed that the applicant's current status must be determined without regard as to whether there has been a change in the applicant's qualification of a local preference between the certification and selection for admission, including a change from one local preference category to another;

✓ Retention of Preference: The PHA has agreed, that if a Housing Choice Voucher Program applicant is currently receiving tenant-based assistance under the "HOME" program (24 CFR part 92), the PHA determines whether the applicant qualifies for the Housing Choice Voucher Program local preference based upon the situation of the applicant at the time the applicant began to receive tenant-based assistance under this same "HOME" program;

✓ Persons with disabilities: No individual will be considered to be a person with disabilities for purposes of eligibility solely due to their drug or alcohol dependence.

3. Notice and Opportunity for a Meeting where the Local Preference is denied

If the PHA should determine that an applicant does not qualify for a Local Preference, the PHA will promptly give the applicant written notice of said determination. This notice must contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with a PHA representative in order to review the determination.

This same meeting may be conducted by any person or persons designated by the PHA, who may be an officer or employee of the PHA, including the person who made or reviewed the determination or a subordinate employee. Additionally, the applicant may exercise other rights if the applicant believes that he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability or family status.

H. Income Targeting [24 CFR 982.201]

In accordance with 24 CFR part 5, subpart F, section 5.607(b), not less than 75 percent of the families admitted to the City of Guayama subsidized housing program during the City's fiscal year will be families whose annual income does not exceed the following amounts:

1. 30 percent of the area median income, with adjustments for smaller and larger families;
2. A higher or lower percent of the area median income, if HUD determines a higher or lower percent is necessary because of usually high or low family incomes.

I. Conversion of assistance

Conversion of assistance for a participant in the City of Guayama Certificate Program to assistance in the Housing Choice Voucher Program does not count as an "admission," and is not subject to targeting as set forth in section H of this chapter.

J. Inapplicability of targeting

Admissions of the following categories of families are not subject to targeting under section H of this chapter:

1. A low income family that is continuously assisted under the 1937 Act.
2. A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in 24 CFR part 5, section 248.101.

K. Use of family's income

The annual income, gross income, of an applicant family is used both for the determination of income-eligibility under 24 CFR part 5, section 5.601(c) and for the City of Guayama income targeting as set forth in Section H of this chapter.

L. Updating the Waiting List [24 CFR982.204(c)]

The waiting list will be updated on an annual basis to ensure that it is current and accurate. This will be accomplished by the following procedure:

1. A letter will be mailed to the applicant's last known address;
2. The notice will inform the applicant family that a year has passed and information will be requested regarding their continued interest in maintaining a place on the waiting list;
3. A time limit will be established in the notice, whereby, the applicant will be request to pass by the Municipal Section 8 to file an updated application. By visiting the Office to file an updated application, the family has demonstrated interest as well as assured itself of continuing their position for one year on the waiting list;
4. If the PHA fails to receive the applicant notice or renewed application of continuance, the applicant's name will be removed from the waiting list;
5. The applicant family will have 15 days to respond to the notice upon receipt of said notice. The PHA does not accept responsibility for any mail delay or non-deliverance by the Post Office.

M. Removal from the Waiting List

The City of Guayama will not remove an applicant's name from the waiting list unless:

- ▶ It is requested in writing, by the applicant family, that their name be removed by the City;
- ▶ The applicant family fails to respond to a written request for information or a request to declare their continued interest in the program.

- ▶ The applicant family does not meet either the eligibility or suitability criteria for the program.

N. Missed Appointments

All applicant families who fail to keep a scheduled appointment with the City will be sent a notice of termination of the process of eligibility. Furthermore, the City will allow the applicant family to reschedule for good cause. The applicant family will be afforded no more than one opportunity to reschedule with good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the City will work closely with the family to find a more suitable time. Applicant families will be afforded the right to an informal review process in accordance with Section G, subpart 3 of this chapter.

O. Exceptions for persons with disabilities

Exceptions will be granted to applicant families with disabilities, as defined in 24 CFR 5.403, who were not able to respond within the time frame due to their disability. Exceptions may also be granted for hospitalization of sufficient duration to be the cause of the lack of response.

## CHAPTER 3

### VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301 & 982.302]

#### Introduction

The City of Guayama' goals and objectives are designed to assure that families selected to participate in its Housing Choice Voucher Program have the necessary tools to locate an acceptable housing unit. Families are provided with sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the PHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, the PHA procedures, and how to lease a unit. The family will also receive a briefing packet which provides more detailed information about the program. This chapter describes how the briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

#### A. Voucher Issuance [24 CFR 982.204(d) & 982.54(d)(2)]

When funding is available, the City of Guayama will issue vouchers to applicants whose eligibility has been determined. The number of vouchers issued must ensure that the PHA stays as close as possible to 100% lease-up. The PHA performs a monthly calculation to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent the PHA can over-issue (i.e., issue more vouchers than the budget allows to achieve lease-up).

The City may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers which are over-issued must be honored. If the PHA finds it is over-leased, it must adjust future issuance of vouchers in order not to exceed the ACC budget limitations over the fiscal year.

1. Issuance of Voucher

- a. Prior to selection of a qualified family from the waiting list, all information will be verified so that it is up to date and in accordance with 24 CFR part 5, subpart F;
- b. When a qualified family has been selected, the PHA will issue a voucher to the family which would allow them to search for a unit;
- c. The family will be notified via a certified letter informing them of their selection and affording them the opportunity to participate in the PHA's Housing Choice Voucher Program. This same notification will contain the date and time which the family must present itself to accept the voucher and at which time the family will be receiving a briefing outlining the rules and regulations of the program, as well as the participant's packet.

B. Term of Voucher [24 CFR 982.303 & 982.54(d)(11)]

During the briefing session, each household will be issued a voucher which represents a contractual agreement between the PHA and the family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

1. Initial Term

The initial term of a voucher must be at least 60 calendar days. This initial term will be stated on the voucher.

2. Extensions of Term

Requests for extensions must be requested at a minimum of at least five (5) working days before the expiration of the initial term. Moreover, the City, at its discretion and contingent upon individual circumstances grant the required extensions up to a maximum of 150

days. This includes the initial term of 60 days. The approval of any extension to a family will be in written form.

3. Reason for Granting Extension

Extensions will be granted to vouchers, if the following happens:

- a. Voucher holder provide proof that despite a diligent effort, they could not find a suitable unit that meets their needs;
- b. In special cases only, such as a large family, a "Special Needs" family, hospitalization or drug rehabilitation, death in the family, or serious impediment, etc.
- c. If a member of the family is a disabled person, or is suffering from a serious illness, the City of Guayama may contingent upon individual circumstances, grant the required extensions up to a maximum of 120 days for up to 30 days as a reasonable accommodation. Third party verification of the disability and need for the disability and need for the required extension is required. The 30 day extension only be granted after the City has received such verification from a physician. If an acceptable verification is not received by a physician within 60 days of the City's request, the extension will not be granted.

4. Suspension of Term

It is the policy of the City of Guayama to grant a family a suspension of the voucher terms if the family has submitted a request for lease approval during the term of the voucher.

At its discretion the City of Guayama may grant a suspension for any part of the period after the family has submitted a request for lease approval up to the time when the City approves or denies said request.

5. Progress Report by the Family to the PHA

During the initial or any extended term of the voucher, the City of Guayama will require the family to report their progress in leasing a unit. These same reports may be accomplished by personally either visiting or telephoning the City every 30 calendar days.

6. Expired Voucher

If the term of the voucher, including any granted extensions, has expired, and the voucher term is not suspended, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is a currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

C. Briefing and Required Attendance [24 CFR 982.301(a)]

A briefing will be conducted for applicant families who are determined to be eligible for assistance as required by HUD regulations. The families are required to attend the briefing sessions in order to receive a voucher. The briefings will either be conducted in groups and/or single depending the number of families eligible for the program and funding availability. Families who because of disability are unabel to attend a briefing or are unable to fully understand the information as presented in the briefing format utilized by the City of Guayama, may request a reasonable accommodation such as having the briefing presented at an alternate location or individually.

The purpose of the briefing is to explain how the program works and the documents in the voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners.

Furthermore, the City will not issue a voucher to an applicant family unless the household representative has attended a briefing and signed the voucher. 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 the City, may be denied admission based on failure to supply information needed for certification.

The families will be briefed in a detailed manner about the Housing Choice Voucher Program. The following will be discussed in the briefing:

1. A description of how the program works.
2. Family and owner responsibilities;
3. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income;
4. A discussion on how to prevent fraud within the program;
5. Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction;
6. If the family qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the briefing will include an explanation of how portability works;
7. If the family should have a disabled person, appropriate steps will be taken to ensure effective communication in accordance with 24 CFR 8.6.

D. Briefing Packet [24 CFR Subpart G, Section 982.301(b)]

The documents and information provided in the briefing packet for the voucher program will comply with all HUD requirements. The family is provided with the following information and materials:

1. The term of the voucher and the PHA policy concerning extension of the term. Said policy will contain information concerning how the family may request an extension;
2. Request for lease approval and an explanation on how to request PHA approval to lease this same unit;
3. Required lease provisions and instructions for the preparation of the lease between owner and tenant as per QHWRA regulations;

4. Lead base paint notices;
5. Fair housing information and a statement of the PHA policy on providing information about a family to prospective owners. A copy of the housing discrimination complaint form;
6. Utility allowance schedule;
7. Informal hearing procedures;
8. General information on how families are selected, how the PHA determines the housing assistance payment for a family and how the PHA determines the maximum rent for an assisted unit;
9. General information about Housing Quality Standards;
10. What the family should consider in deciding whether to lease a unit is as follows:
  - a. The condition of the unit;
  - b. Rent reasonableness of the unit;
  - c. The cost of any tenant-paid utilities;
  - d. Whether the unit is energy efficient;
  - e. The location of the unit, including proximity to public transportation, center of employment, schools and shopping;
  - f. Program brochure and FSS brochure;
  - g. Where the family may lease a unit;
  - h. The HUD brochure on how to select a unit;
  - i. A list of landlords or other parties known to the PHA who may be willing to lease a unit to the family or assist the family in finding a unit;
  - j. Information on the PHA's grievance procedure, as well as, hearing procedure;
  - g. Family obligations under the program;
  - h. The grounds on which the PHA may terminate assistance for a participant family, because of family action or failure to act.

Furthermore, when this same packet is presented to the participant, a member of the Housing Staff will review each document in detail so as to ensure that the participant is fully cognizant of both his or her rights and responsibilities under the program.

E. Determination for Split Households [24 CFR 982.315]

In those instances when a family assisted under the Housing Choice Voucher Program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family. Consequently, the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Federal Funds Director shall consider the following factors to determine which of the families will continue to be assisted as set forth in Chapter 2, Section B, as well as the following;

1. Reexamination of family income in order to determine that the remaining members qualify for the assistance or, originally approved;
2. Determine if any of the remaining family members are either disabled and/ or elderly;
3. The need for housing based upon the size of the family by age groups;
4. Difficulty in alleviating severe hardships on individual family members including but not necessarily limited to:
  - a. The need to be located close to a hospital or medical dispensary in order to receive special medical treatment;
  - b. The need to be close to either public and private transportation provides, due to the absence of a personal vehicle;
  - c. In the case of a large family with school age children the need to be located close to a school.

Should it be determined that with the breakup of a family, that additional family members are now gainfully employed, and adjustment in the assistance payment will be made based upon the reexamination of the total family income and composition.

It should be noted that the City of Guayama will at all times attempt to work with and satisfy the needs of all family members provided that they do in fact qualify for such assistance and comply with existing federal regulations.

F. Remaining Member of Tenant Family-Retention of Voucher [24 CFR 982.315]

To be considered the remaining member of the tenant's family, the person must have been previously approved by the PHA to be living in the unit. Notwithstanding, a reduction in family size may require a reduction in the voucher family unit size.

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 City of Guayama to assess, and verification is required as to whether social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

## CHAPTER 4

### ELIGIBILITY FOR ADMISSION

[24 CFR Part 982, Subpart E]

#### Introduction

This chapter defines both HUD and the City of Guayama's criteria for admission and denial of admission to the locally administered tenant-based Housing Choice Voucher Program. It is the policy of the City to strive for objectivity and consistency in applying this criterion to evaluate the eligibility of families who apply. The staff will review all information provided by the family carefully and without regard to factors other than those define in this chapter. Families will be afforded the opportunity to explain their individual circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the City pertaining to their eligibility.

#### A. Eligibility Factors [24 CFR 982.201(b)]

The head of household must have the legal capacity to enter into a lease under State law, which is the age of 21 in the Commonwealth of Puerto Rico. Furthermore, to be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional standards adopted and implemented by the City of Guayama, such as screening for drug-related and violent criminal activities. Screening for these items will occur during the applicant verification process. Only eligible applicants will be admitted into the City of Guayama's tenant-based Section 8 Program. Only those families, in accordance with the definition of family as setforth in this administrative plan, who are within the income limits established by HUD are eligible for admission.

The HUD eligibility criteria are defined as follows:

- ◆ An applicant must be in accordance with the established definition of a family as described in Section B of this chapter;
- ◆ An applicant must be income eligible;
- ◆ An applicant must furnish social security numbers for all family members age six and older;

- ◆ An applicant must furnish a Declaration of Citizenship or Eligible Immigration Status and verification, if required and applicable;
- ◆ At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the City may provide any financial assistance.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria. The family's initial eligibility for placement on the waiting list will be made in accordance with established PHA policy. Moreover, the family's eligibility for participation will be verified when a family is selected for issuance of a voucher.

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

B. Family Composition [24 CFR 982.201(c)]

The applicant must be a "Family". The term "Family" is defined as a single person or a group of persons. To further define a group of persons is a family with a child or children, two or more elderly persons, disabled persons living together, one or more elderly persons, near elderly, and/or disabled persons living with one or more live-in aides constitute a family. The City has adopted the following definitions as it relates to the definition of a family for the tenant-based Rental Assistance Program:

1. "Family" status:

- a. A family with or without children. For purposes of this plan such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.
- b. Children temporarily absent from the home due to placement in foster care are considered family members.

- c. Children who are subject to a joint custody agreement but who live with one parent at least 183 days of the year (51%), whether consecutively or not, will be considered members of the household. Should both parents be applicants, and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school age child as a dependent. If school records are inclusive, then other pertinent records, such as doctor and hospital records will be utilized.
  - d. Unborn children and child in the process of being adopted are not considered family members for purposes of determining bedroom size or the family's income limit until they are born or adopted. The exception to this rule are single, pregnant women who have no other family members, they will receive a subsidy based on two-person family.
2. For purposes of this administrative plan, an elderly family is defined as:
- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
  - b. Two or more persons who are at least 62 years of age living together;
  - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
3. A disabled family is define as:
- a. A family whose head, spouse, or sole member is a person with disabilities;
  - b. Two or more persons with disabilities living together;
  - c. One or more persons with disabilities living with one or more live-in aides.

- d. For purposes of qualifying for low-income, does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

4. A displaced family is define as:

- a. A family in which each member, or whose sole member, has been displaced by governmental action;
- b. Whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

5. A single person "Family" is defined as:

- a. An elderly person;
- b. A displaced person;
- c. A disabled person;
- d. Any other single person.

6. Head of Household

The head of household is the member of the family having the lawful and legal capacity to enter into and be bound by the terms of a contract and/or lease according to State Law, who is designated by the family as head and is wholly or partly responsible for paying rent.

7. Spouse of head

The term "Spouse of head" is defined as the husband or wife of the head-of-household.

In order to properly apply the Non-citizens rule, the definition of the spouse is the marriage partner who in order to dissolve the relationship, would have to divorce in accordance with State Law. The term "Spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

8. 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.

9. Split Households Prior to Voucher Issuance

It is the policy of the City of Guayama that until the family becomes a participant, only a Head of Household has any claim to placement on Guayama's waiting list. A family becomes a program participant on the effective date of the first HAP contract executed by the City for the family.

The Head of Household may be changed to another household member in the following circumstance only:

- a. If a family on the waiting list splits into two or more families due to divorce or legal separation, only the family containing the Head or Household/ Applicant can claim placement on the wait list.
- b. If the Head of Household/Applicant dies, another member of the household may claim Head of Household/ Applicant status. To do so, this person must provide documentation conclusively showing their membership in the deceased Applicant's household at the time of death. This person must also have the legal capacity to enter a lease under State and/or local law.
- c. The composition of the new family unit and which unit contains elderly or disabled members;
- d. Whether the factor of domestic violence was present;

- e. If the Head of Household/Applicant no longer has the legal capacity to enter into a lease under the laws of the Commonwealth of Puerto Rico and cannot be held responsible by the City for paying the rent and for ensuring that all family members follow the program obligations, another member of the household may claim Head of Household/Applicant status. In order to do this, this person is responsible for providing documentation conclusively showing their membership in the household at the time that the Head of Household lost their legal capacity and documentation of the loss of legal capacity.
- f. Which of the two new family units have custody of the dependent children;

It should be noted that it is the responsibility of the family to present the corresponding documentation concerning these factors. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list by the City for failure to supply information requested.

#### 10. Multiple Families in the Same Household

When the applicant family consists of two households living together, such as a mother and father, and a daughter with her own husband or children, if they apply as one family unit, they will be treated as such.

#### C. Adding and Deleting Family Members

The addition of family members to an Applicant's household through birth, adoption, court-awarded custody of a child, or marriage will be approved by the City while the Applicant is still on the waiting list. In the case of same-sex relationships or other relationships, the City will allow the addition if a committed, stable relationships can be demonstrated. An Applicant must inform the City of any such addition while their applicant is on the waiting list.

Other additions to an application are at the City's discretion. In cases where the addition of other family member(s) would increase the subsidy size, the added family member(s) can only be a foster child(ren) or foster adult(s) currently in custody of the

applicant, or a minor child or a disabled or elderly adult with no other means of obtaining affordable and safe housing.

The City will not add a foster child(ren) or foster adult(s) for anticipated placements unless the governing agency identifies the foster child(ren) or foster adult(s) by name and advises a placement date within 60 days. Additionally, the City's subsidy standards as outlined in Chapter 7, Subsidy Standards, of this Plan will be utilized in determining bedroom size for families containing foster children and/or foster adults.

An applicant may delete family members from an application while on the waiting list. The applicant must provide verifiable documentation that the former member is no longer residing in the household.

D. Income Limitations [24 CFR 982.201 (b), 982.553]

To be eligible for assistance, an applicant family must have an Annual Income at the time of admission that does not exceed the very low income limits for occupancy as established by HUD for the Metropolitan Statistical Area (MSA), which is the area where the City of Guayama located.

To be income eligible the applicant family must meet the very low income criteria which defines as family as one whose income does not exceed 50% of the area median income. The City will not admit families whose income exceeds these criteria except those included in 24 CFR 982.201(b). Moreover, the family may be under the low-income limit in any of the following areas [24 CFR 982.201(b)]:

- ☞ Extremely and very low-income family based on the income limits published by HUD annually;
- ☞ A low income family which has physically been displaced by rental rehabilitation activity under 24 CFR part 511.
- ☞ A low income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act Program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.

- ☞ Low-income family previously assisted under the public housing, Section 23, or Section 8 programs;
- ☞ Low-income family that is a non-purchasing tenant of certain home ownership programs;
- ☞ Low-income tenants displaced from certain Section 221 and 236 projects;
- ☞ Low-income families that meet PHA-specified eligibility criteria;
- ☞ In order to determine the family's eligibility, the City compares the Annual Income of the family to the applicable income limit established for the Metropolitan Statistical Area;
- ☞ Families whose annual income exceeds the income limit will be denied admission and offered an informal review.

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

E. **Mandatory Social Security Numbers [24 CFR 5.216 & 5.218]**

Families are required to provide verification of social security numbers for all family members age 6 and older prior to admission, if they have been a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program. Furthermore, failure by the family to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number. Persons who disclose their social security numbers but cannot provide verification must sign a certification and provide verification within 60 days, unless additional time is approved as reasonable accommodation.

F. Live-in Aides

A family that consists of one or more elderly or disabled persons may request approval from the City for a live-in aide to reside in the unit as well as provide the necessary supportive services for a member who is a person with disabilities.

In accordance with 24 CFR Part 8, the City must approve a live-in aide if needed as a reasonable accommodation so as to make the program accessible to and usable by the family member with a disability. For purposes of this plan a live-in aide is defined as a person who resides in a family's dwelling unit in order to provide care for a family member who is elderly, near elderly and/or disabled, and who is:

1. Determined to be essential to the care and well-being of the person;
2. Not obligated for the support of the person;
3. Would not be living in the unit except to provide necessary supportive services;
4. Has no ownership or other interest in the subsidized unit.

Furthermore, the City of Guayama has adopted the following concerning a live-in aide, which will be treated differently than family members:

1. Income of the live-in aide will not be counted for the purpose of determining eligibility or level of benefits;
2. Live-in aides are not subject to non-citizen rule requirements;
3. Live-in aides are not subject to non-citizen rule requirements;

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. A relative who chooses to be a live-in aide will not be treated as a "regular" member of the household, but instead will be treated as a live-in aide.

Moreover, a live-in aide's family members may reside in the unit provided the following conditions are met:

1. The subsidy size is not increased;
2. The presence of the live-in aide's family does not overcrowd the unit.

Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. A qualified care-provider's certification is required as verification of the necessity for a live-in aide. The qualified care-provider's certification must demonstrate that a live-in aide is necessary and that the family would not be equally well served by a home health care service or a care provider who does not live in the unit.

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

At anytime, the City of Vieques in accordance with 24 CFR 982.316 will refuse to approve a particular person as a live-in aide, and/or may withdraw such approval, if:

1. The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. The person commits drug-related criminal activity or violent criminal activity;
3. The person currently owes rent or other amounts to the City of Vieques or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

G. Citizenship/Eligible Immigration Status [24 CFR Part 5, Subpart E]

According to established regulations, a family member must be a U.S. citizen or eligible immigrant in order to receive any type of rental assistance. Eligible immigrants are persons who are in one of the immigrant categories as defined by HUD.

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

Mixed Families:

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

Non-citizen students:

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

All members who are ineligible:

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

Appeals:

For this eligibility requirement only the applicant entitled to a hearing exactly like those provided for participants and as set forth in this same plan.

## CHAPTER 5

### APPLYING FOR ADMISSION [24 CFR 982.204]

#### Introduction

It is the policy and belief of the City of Guayama's to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for applying and the procedures for completing an initial application for rental assistance, placement and denial of placement on the waiting list, and limitations on who may apply. Demand and Rental Assistance is far greater than the supply available to the City of Guayama. Therefore, Section 8 Assistance is only provided to eligible families on Guayama's waiting list. The primary purpose of the intake function is to gather information about the family, but the City of Guayama will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

#### A. Overview of the Application Process

Persons that are both interested and qualify under the subsidized housing program will be provided with the necessary applications, and will receive a briefing on the programs offered by the City of Guayama. Specific days of the week will be established to receive applications, so as to permit sufficient time to properly carry out the administrative requirements of the program in an acceptable manner, that is in compliance with existing regulations.

The Section 8 Program Director will assign numbers to each application received, and maintain a list of qualified candidates assuring equality and fairness to all persons under this program.

If during the application stage it can be determined, that a family will not be eligible because of exceeding income limits due to too few or too many household members for the voucher size authorized by ACC, etc., no additional documents and materials will be requested from the family to avoid unnecessary waste of time and expenses. The family will be so advised, and the City will also notify the family in writing indicating the reasons

and affording them an opportunity to request, within a reasonable amount of time, an informal hearing. However, the family will be encouraged to reapply should the circumstances change.

All information requested within this same form will be obtained at the interview with the applicant, and that which must be verified, will be verified by the appropriate Housing staff official assigned to the case.

People with applications not expected to be awarded vouchers upon completion of their files because their number in the waiting list is far higher than the number of available vouchers as per the ACC and number of bedrooms which may be available will be so advised. If a date can be determined as to when the voucher can be issued they will in fact be told, otherwise, they will be advised that based on the date and time of the completed application, if the family was found to be eligible, and once there are additional vouchers, they will be notified of the same. The families will be informed that their applications are valid for one year only and in order to maintain their case file opened they must renew their application on a yearly basis. The City will inform the families accordingly in writing.

The records of cases where families have been determined ineligible or their contracts have been terminated, the City will retain these documents for three (3) years such as: 1) copy of the application, 2) notification letters, if applicable, 3) the applicant's response, if any, the record of any informal hearing, and statement of final disposition. Furthermore, records pertaining to eligible families and those under a lease, will be maintained within the active file unless the family becomes ineligible or terminates its contract.

The application forms will contain both date and time of filing, and will be signed by the applicant or applicant's spouse and by the interviewer from the Municipal Staff which processed the family. Application forms will be reviewed by the Section 8 Program Director and properly identified with the Director's initials.

B. Verification of Status Before Admission

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

C. Items Requested

The following items will be requested from the applicant family and verified:

1. Family Composition: Birth, marriage and birth certificates, a family photograph, sworn statements, school records.
2. Special Medical Needs which require larger units: Medical Certificates.
3. Income from wages: Verification from the employer.
4. Social Security: Verification from the S.S. office or through HUD's web-site.
5. State Disability and other pensions: Verification from an employer.
6. Welfare payments: Verification from the State Department of the Family agency.
7. Unemployment compensation Welfare payments: Verification from the State Department of the Family agency.
8. Alimony and child support court records: A copy of the divorce decree as well as from the appropriate State Agency "ASUME."
9. Family financial Assistance: Letter form from a benefactor.
10. Family type (Elderly or Disabled): The appropriate form, the agency granting benefits and birth certificate. Full-time student status.
11. Full-time student status: A letter from school or college.
12. Scholarships-grants: A written confirmation from the source of benefits, as well as, a

written confirmation from the Education Institution as to cost. The net balance is the amount available for subsistence.

13. Income Interest and Dividends:

Verification from bank, or financial institution, bank passbooks, etc.

14. Assets:

Written form from appropriate financial institution or source. In case of rental income, a written statement from the person paying the rent.

15. Applicant Screening:

A Certificate of Good Conduct from State Police Department QHWRA of 1998.

16. Other:

Any other document deemed necessary for the family applicant to qualify for the subsidized housing program under established HUD regulations.

D. Other Criteria For Admission [24 CPR 982.552(a)(b)(c)(e) & 24 CPR 982.553(a)]

It is the policy of the City of Guayama to deny assistance for any applicant family under the programs currently being offered because of the family's action and/or failure to act.

Denial of assistance for an applicant may include any or all of the following:

- \* Denying listing on the PHA waiting list;
- \* Denying or withdrawing a voucher;
- \* Refusing to enter into a HAP contract or approve a lease;

- \* Refusing to process or provide assistance under portability procedures.

According to HUD regulation 24 CFR part 5, subparts B and F, respectively, the PHA must deny admission to a program for applicant and/or terminate program assistance for a participant, if any member of the family fails to sign and submit consent forms for obtaining information.

The family applicant must submit the required evidence of citizenship or eligible immigration status. Furthermore, the City may at any time deny program assistance for an applicant, or terminate program assistance for a participating family, for any of the following grounds:

- If the family violates any family obligations of the program under 24 CFR 982.551 and 24 CFR 982.553 which delineates the procedures to follow if a family or member commits a crime;
- If any member of the family has been evicted from federally assisted housing in the last five years;
- If the PHA has ever terminated assistance under the program for any member of the family;
- If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal Housing Program;
- If the family currently owes rent or other amounts to the PHA, or to another PHA, in connection with Section 8 or public housing assistance under the 1937 Act;
- If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- If the family breaches an agreement with the PHA to pay amounts owed to the PHA, or amounts paid to an owner by the PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an

agreement to pay amounts owed. The PHA may prescribe the terms of the agreement);

- If the family has engaged in or threatened abusive or violent behavior toward any PHA personnel;
- If the family has been engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.

In determining whether to deny or terminate assistance because of action and/or failure to act by members of the family:

- The City of Guayama will consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members of who were not involved in the action or failure.
- In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the City will consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 USC 13661). For this purpose, the City will require the applicant or tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

If the family includes a person with disabilities, the City of Guayama decision concerning such action is subject to consideration of reasonable accommodation.

The City of Guayama will prohibit admission to the program of an applicant for 5 years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the PHA may admit the household if it PHA determines the following:

**Amendment to Existing Approved Section 8 Assisted Housing Choice  
Voucher Program Administrative Plan  
Dated May 14, 2007**

**24 CFR 982.553 (2) Other Criteria For Admissions**

**Mandatory Prohibition of Sex Offenders**

*The Municipality of Guayama has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Guayama (RQ017) will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the dwelling unit is located and in other States where the household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a Certificate of Conduct.*

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

**Domestic Violence Statement – Housing Choice Voucher Program**

*The Violence against Women Act (VAWA), Public Law 109-162 was signed into law on January 5, 2006. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 U.S.C.D 1437c-1) to require PHA's five-year and annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Sections 606 and Section 607 amend the Section 8 and public housing sections of the U.S. Housing Act (42 U.S.C 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims immediate families – from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim. While waiting new guidelines from the Department of Housing and Urban Development for implementing VAWA the Municipality of Guayama (RQ017) has adopted the following goals and objectives, for Domestic Violence Policy:*

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

**CERTIFICATION OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
OR STALKING**

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

OMB Approval No. 2577-0249  
Exp. (05/31/2007)

**Public reporting burden** for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Purpose of Form:** The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

**Use of Form:** A family member must complete and submit this certification, or the information that may be provided in lieu of the certification, within 14 business days of receiving the written request for this certification by the PHA, owner or manager. The certification or alternate documentation must be returned to the person and address specified in the written request for the certification. If the family member has not provided the requested certification or the information that may be provided in lieu of the certification by the 14th business day or any extension of the date provided by the PHA, manager and owner, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively "domestic violence") under the Section 8 or public housing programs apply.

Note that a family member may provide, in lieu of this certification (or in addition to it):

- (1) A Federal, State, tribal, territorial, or local police or court record; or
- (2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

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**TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE:**

**Date Written Request Received By Family Member:** \_\_\_\_\_

**Name of the Victim of Domestic Violence:** \_\_\_\_\_

**Name(s) of other family members listed on the lease** \_\_\_\_\_

**Name of the abuser:** \_\_\_\_\_

**Relationship to Victim:** \_\_\_\_\_

**Date the incident of domestic violence occurred:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location of Incident:** \_\_\_\_\_

- That the evicted household member who engaged in drug- related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Commonwealth of Puerto Rico Corrections Department;
- That the circumstances leading to eviction no longer exist, for example, the criminal household member has died or is imprisoned.

It is the policy of the City of Guayama to prohibit admission of a household to the program if it is determined that any household member is currently engaged in or has engaged in during a reasonable time before the admission in the following areas:

- Drug related criminal activity;
- Violent criminal activity;
- Other criminal activity which may threaten the health, safety , or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;
- Other criminal activity which may threaten the health or safety of the owner, or persons performing a contract administration function or responsibility on behalf of the PHA, including a PHA employee, PHA contractor or agent.

It will be the policy of the City of Guayama to establish a period of 5 years as the period of reasonable time whereby the applicant family has not engaged in the activities specified in 24 CFR 982.553( a) (2) (i) before admitted into the housing program.

If the PHA previously denied admission to an applicant because a member of the household engaged in criminal activity, the City may reconsider the applicant, if the PHA has sufficient evidence that the members of the household are not currently engaged in any activity.

It would be considered that the City has "sufficient evidence" if the household member submitted a certification that she or he is not currently engaged in and has not engaged in criminal activity during the specified period and provided supporting

information from such sources as a probation officer, a landlord, neighbors, social service agency workers and criminal records, which is verifiable by the PHA.

For purposes of this section, a household member is "currently engaged in" criminal activity if the person has engaged in the behavior, recently enough to justify a reasonable belief that the behavior is current.

E. Prohibited Admissions Criteria [24 CFR 982.202(b)]

Admission to the program may not be based on the following:

- ❖ Where a family lives prior to admission to the program;
- ❖ Where the family will live with assistance under the program;
- ❖ Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;
- ❖ Discrimination because a family includes children;
- ❖ Whether a family decides to participate in a Family Self- Sufficiency Program;
- ❖ Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

F. Opening/Closing of Application Taking [24 CFR 982.206, 982.54(d)(1)]

1. Opening the Waiting List

The City of Guayama will utilize the following procedures for opening the waiting list:

- a. When the PHA opens a waiting list, it will publish a public notice informing all interested families and homeowners of the opening of a new waiting list. The public notice will state

where and when to apply and/or to receive additional information on all aspects of the program;

- b. The PHA must provide the public notice publication in a local newspaper of general circulation, which should also include minority media;
- c. The public notice among other things must state any limitations if any, on who may apply;
- d. When the waiting list is open, the PHA must accept applications from families for whom the list is open, unless there is good cause for not accepting the application;
- e. In addition, outreach will be provided through liaison with local social services agencies to assist persons with disabilities.
- f. The notice will contain:
  - 1. The dates, times, and locations where families may apply;
  - 2. The program(s) for which applications will be taken;
  - 3. A brief description of the program(s);
  - 4. Limitations, if any, on who may apply.
- g. Full application from a family may later be denied due to failure to meet eligibility requirements or action or inaction by members of the family for grounds in the "Denial or Termination of Assistance" chapter of this Administrative Plan [24 CFR 982.206(b)(2)];

2. Closing the Waiting List

The City of Guayama will announce the closing of the waiting list by public notice. Furthermore the City will adhere to the following:

- a. The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations. When the period of accepting applications is over, the City will add the new applicants to the list by placing new applicants on the list in Section A" Overview of Application Procedures" of this chapter;
- b. The PHA at its discretion will determine that the existing waiting list does contain an adequate pool for use of available program funding and may stop accepting new applications;
- c. However, even if the PHA is not otherwise accepting additional applications from those applicants who demonstrate a need beyond extraordinary circumstances and/or qualify under of the programs being offered by the PHA, said application will be accepted and so classified when placed on the waiting list;
- d. When a decision has been made to close the existing waiting list, the PHA will publish a public notice in a local newspaper of general circulation advising all interested persons, parties, and groups of the same;

3. Limits on Who May Apply

When the waiting list is open, any interested family will be given the opportunity to complete an Application for Section 8 Rental Assistance.

G. Applicant Status While on the Waiting List [24 CFR 982.204]

Applicants are required to inform the PHA of changes in their address. Applicants are also required to respond to requests from the PHA to update information on their application and to determine their interest in assistance.

H. Final Determination & Notification of Eligibility [24 CFR 982.201]

After the verification process is completed, the City of Guayama will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the PHA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program.

If the family is determined ineligible, they will be notified in writing and informed of their right to an informal review.



## CHAPTER 6

### VERIFICATION PROCEDURES [24 CFR PART 5, SUB PARTS B, D, E, AND F; 24 CFR PART 982.158 & 982.5.617]

#### Introduction

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share are verified by the Section 8 Housing staff. The housing staff will obtain written verification from independent sources whenever possible and will document this in the tenant file. Whenever third party verifications are not possible, this will be documented in the tenant file including the reason for not being able to obtain third party verifications.

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

#### A. Methods of Verification and Time Allowed [24 CFR 982.516]

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

1. Third-party written;
2. Third-party oral;
3. Review of Documents;
4. Certification/Self-Declaration.
5. Verification EIV System

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

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance and for participants, they are valid for 120 days from the date of receipt.

B. Verification Procedures [24CFR 982.201(e)]

Once the family has filed an application and has provided evidence required to complement it, office personnel must verify with sources and references all basic information given by the applicant by means of a personal interview, telephone contact or by mail. When all information is verified and the family is determined eligible by a certification form which must be filled out by the Municipal staff in charge of the case, they will be placed on the waiting list.

An on-site visit will be conducted by the Section 8 staff to verify the validity of the conditions under which the family is currently living to ascertain the accuracy of the information given by the prospective family. The evaluation report as well as the one for unit will form part of the file.

After the families have completed their applications, except those that for obvious reasons will not qualify, a series of documents will be requested from them and they will be required to bring these documents within a reasonable period specified by the intake Housing Staff member. The family will be given a sheet outlining the necessary documents needed to complete their file. This same list will be reviewed by the family and the intake Housing Staff member. This will ensure that any doubts that the family might have will be cleared up, including the Program Policy that if an applicant family does not comply with the time constraint imposed for submitting the required documents, their respective application will be withdrawn and case considered closed. So as to assure that the family understand this, both the applicant family and the Housing Staff member will sign a certification to this and a copy will be provided to the family. (See Attachment A).

Should the family again be interested in applying and the waiting list opened, they would be required to start by completing a new application based on the new date and time, thus, determining the position or number on the waiting list. This same procedure will be used when a candidate family is summoned for a voucher issuance.

C. Third-party Written Verification

Third party verification is used to verify information directly with the source. Third party forms will be sent and returned via the family in a sealed enveloped and the family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically and/or via a facsimile directly from the source are considered third party written verifications.

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

- Social Security Administration;
- Veterans Administration;
- Unemployment Compensation from the Puerto Rico Department of Labor;
- Municipal or District Courts.

The Municipal housing staff will always verify third party verifications orally regardless of how they are received in the office.

D. Third-party Oral Verification

Oral third-party verification will be conducted when written third-party verification is delayed, not possible, or the documents look altered. The housing staff will be required to complete a Certification of Document Viewed or Person Contacted Form, noting with whom they spoke, the date of the conversation, and the facts provided. This document will form part of the certification and/or re-certification process of the family. (See Attachment B).

E. Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has been verified within the established time frame, the housing staff will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

The City will accept the following documents from the family provided that the document is such that tampering would be easily noted:

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

The City will accept faxed documents and other electronic transmissions as well as photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the PHA will utilize the third party verification. The City will not delay the processing of an application beyond the time frame established simply because a third party information provider does not return the verification in a timely manner.

F. Self-Certification/Self-Declaration

When verification cannot be made by the established third-party method or review of documents, families will be required to submit a self-certification. The term "self-certification" means a notarized statement/affidavit/certification under the penalty of perjury punishable under the laws of the Commonwealth of Puerto Rico.

G. Release of Information [24 CFR 5.230]

Adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act Form. In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD Form 9886. Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

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

H. Items to be verified [24 CFR 982.516]

The following items will be verified by the City in accordance with established HUD regulations:

1. All income not specifically excluded, by the regulation;
2. Full-time student status including high school students who are 18 or over;
3. Current assets including assets disposed of, for less than fair market value in preceding two years;
4. Child care expenses where it allows an *adult* family member to be employed or to further his/her education;
5. Total medical expenses of all family members in households whose head or spouse is elderly or disabled;
6. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed;
7. Disability for determination of preferences, allowances or deductions;

8. U .S. citizenship/eligible immigrant status;
9. Social security numbers for all family members, over 6 years of age or older who have been issued a social security number;
10. Marital status when need for head or spouse definition;
11. Verification of Reduction of Benefits for Noncompliance:

The City will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance before *denying* the family's request for rent reduction.

In addition to the aforementioned items, the attached chart (translated int Spanish) outlines the most common items that will be verified for families in the Sectin 8 program and gives examples of the customry forms of verification to be accepted by the City. (See Attachment C).

I. Verification of Income [24 CFR 982.516]

This section defines the methods that the City of Guayama will use to verify various types of income:

1. Employment Income

Verification forms request the employer to specify the:

- a. Date of employment;
- b. Amount and frequency of pay;
- c. Estimated income from overtime, tips, bonus pay expected during next 12 months.

2. Acceptable methods of verification

- a. Employment verification form completed by the employer;

- b. Oral verification of employment information;
- c. Check stubs or earning statements, which indicate the employees gross pay, frequency of pay or year, to date earnings;
- d. Income tax returns and/or a certification from the State Treasury Department;
- e. Self-certifications and/or income tax returns signed by the family may be used for verifying self-employment income.

J. Social Security and Pensions

Acceptable methods of verification include:

- 1. Benefit verification form completed by agency providing benefits;
- 2. A ward or benefit notification letters prepared and signed by the providing agency.

K. Unemployment Compensation

Acceptable methods of verification include:

- 1. Benefit verification form completed by the unemployment compensation agency;
- 2. A computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.

L. General Assistance

Acceptable methods of verification include:

- 1. PHA verification form completed by payment provider;
- 2. A computer generated Notice of Action;

3. A written statement from the payment provider indicating the amount of the grant/payment, starting date of payment, and anticipated changes in payment in the next 12 months.

M. Alimony or Child Support Payments

Acceptable methods of verification include:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules;
2. Copy of the latest check, and/or payment stubs from Court Trustee, which in the case of Puerto Rico is " ASUME";
3. A notarized statement from the person paying the support.

If payments are irregular, the family must provide an accurate statement of income:

1. A copy of the pertinent pages of the separation and/or settlement agreement, or the pertinent pages of the divorce decree stating the amount and type of support and payment schedule;
2. A notarized affidavit from the family indicating the amount(s) to be received;
3. A certification from the State Agency in charge of this which is called "ASUME".

N. Recurring Gifts

The family must furnish a notarized statement which contains the following information:

1. The person who provides the gifts;
2. The value of the gifts;

3. The regularity (dates) of the gifts;
4. The purpose of the gifts.

O. Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment, TANF, SS, etc. are being received by the household.

P. Full-Time Student Status

Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income. This only applicable to students who are full time at an institution of higher education and the student is over the age of 18.

Financial aid, scholarships and grants received by full time students are not counted towards family income. Verification of full time student status includes but not limited to:

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

Q. Verification of Allowable Deductions from income [24 CFR 982.516]

(1) Child Care Expenses

Written verification from the person who receives the payments is required. If the child care provider is an individual, she/he must provide a statement of the amount that the participant family is being charged for services.

Verification must specify the child-care provider's name, the address, telephone number, the names of the children cared for, the number of hours the child-care occurs, and the rate of the pay. If the family

cannot obtain the statement from the child-care provider, a self-certification will be accepted.

(2) Medical Expenses

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

- (a) Written verification by a doctor, hospital, or clinic personnel, dentist, pharmacist, of (1) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (2) extent to which those expenses will be reimbursed by an insurance company or government agency;
- (b) Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family;
- (c) Self-certification when doctor, hospital, insurance company, social security, etc., refuse to provide written confirmation.

## CHAPTER 7

### SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

#### Introduction

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

#### A. Determining Family Unit (Voucher Size) [24 CFR 982.402]

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

It should be noted that the City considers an adult as a person 21 years or older for purposes of subsidy standards. All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements:

#### 1. Occupancy Standards

Based on the family composition the subsidy to be paid will be based upon the unit size that the family is eligible to occupy. The following table will be used to determine unit size for the family:

<b>UNIT SIZE</b>	<b>MINIMUM NO. OF PERSON IN HOUSEHOLD</b>	<b>MAXIMUM NO. OF PERSONS IN HOUSEHOLD</b>
0 BR	-0-	-1-
1 BR	-1-	-2-
2 BR	-2-	-4-
3 BR	-4-	-6-
4 BR	-6-	-8-

2. Determination of Unit Size in Relation to Family Composition

The City of Guayama has applied the following requirements when determining the unit size in relation to the family composition under our subsidy standards:

- a. A family may select a unit that is larger than the bedroom size authorized by the PHA but the family must pay the increased cost unless an owner is willing to accept a lesser rent;
- b. 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;
- c. One bedroom will be generally assigned for each two- family members. The PHA will consider factors such as family characteristics including sex, age, or relationship. Consideration will also be given for medical reasons and the presence of a live-in aide;
- d. Head of household and spouse/co-tenant shall occupy the same bedroom;
- e. If there is no spouse/co-tenant occupying the same bedroom as the head of household, the head of household will share a bedroom with a child aged one or under;

- f. Persons of different generations (i.e., grandparent and grandchild) will be allocated in a separate bedroom;
- g. Foster children will be included in determining unit size;
- h. Live-in attendants will be provided a separate bedroom. No additional bedrooms are provided for the attendant's family;
- i. Space may be provided for a child who is away at school but who lives with the family during school recess;
- j. Space will not be provided for a family member, other than a spouse/significant other, who will be absent most of the time, such as a member who is away in the military;
- k. A single pregnant woman with no other family members must be treated as a two-person family;
- l. Single person families will be allocated one bedroom unit;
- m. Two children of different sex under age 4 are to share a bedroom. Bedrooms will be assigned to all other family members on the basis of two members of the same sex per bedroom;
- n. The subsidy standards provide for the smallest number of bedrooms required to house a family without causing overcrowding;
- o. The subsidy requirements are consistent with space requirements under the Housing Quality Standards;
- p. The subsidy standards have been applied consistently for all families of like size and composition;
- q. Any live-in aide which has been authorized by the City to reside within the unit to care for a family member who is

either disabled or at least 50 years of age will be counted in determining the family unit size;

- r. The City has agreed, that unless a live-in-aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one bedroom unit;
- s. The City will grant an exception to its established subsidy standards, in determining the family unit size for a dwelling unit, if it determines that the exception is justified by the age, sex, health, handicapped or relationship of family members or other personal circumstances.

B. Unit Size Selected [24 CFR 982.402(c)]

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

1. Subsidy Location: The family unit size as determined for a family under the PHA subsidy standard for a family assisted is based on the adopted payment standard. The payment standard for a family shall be the lower of:
  - a. The payment standard amount for the family unit size;
  - b. The payment standard amount for the unit size rented by the family.
2. Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's voucher.
3. HQS: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is

used as a living/sleeping area) as shown in table in Section A, subsection 1 of this chapter. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping. Any such rooms must meet HQS acceptability criteria, i.e., windows that open, which allow ventilation.

C. PHA Error

If the City of Guayama errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size.

D. Changes in Family Composition

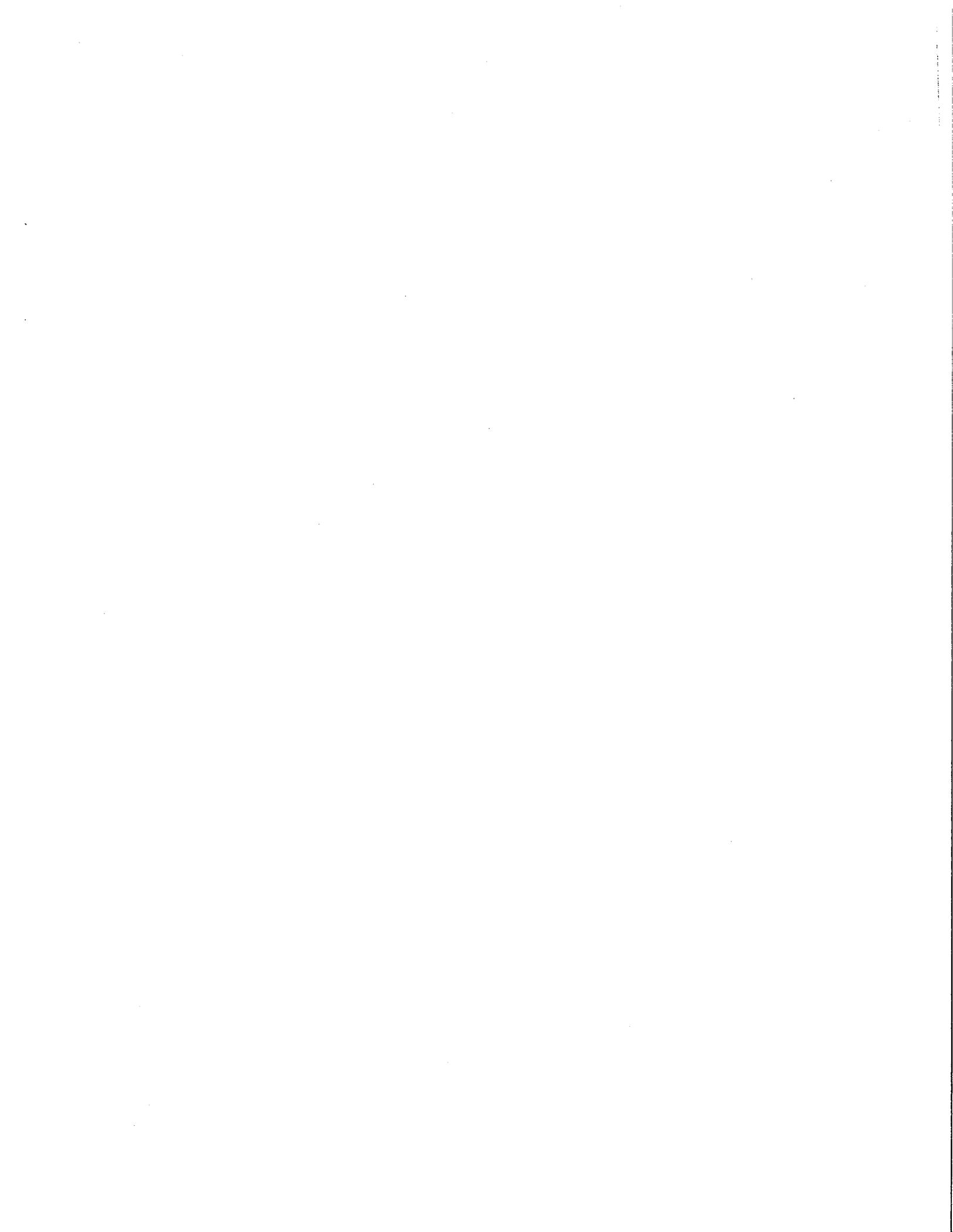
The members of the family residing in the unit must be approved by the City. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA within 30 days and complete an interim re-exam.

E. Under-housed and Over-housed Families

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the PHA will issue a new voucher of the appropriate size.

The PHA will also notify the family of the circumstances under which an exception will be granted, such as:

- ◇ If a family with a disability is under-housed in an accessible unit;
- ◇ If a family requires the additional bedroom, because of a health problem, which has been verified by the PHA.



## CHAPTER 8

# FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION AND CONTINUED OCCUPANCY [24 CFR Part 5, Subparts E and F; 982.153, 982.551]

### Introduction

The City of Guayama will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and at annual reexamination is correct, which would allow the family to continue occupancy. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA's policies in this Chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

#### A. Income and Allowances [24 CFR 6.609, 5.611]

According to Federal Regulations, there are three (3) types of incomes, as defined by HUD, when considering a participant family's economic resources.

##### 1. Income

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

2. Annual Income

Is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by Federal Regulations. Annual income is used to determine whether or not applicants are within the applicable income limits.

3. Adjusted Income

Is defined as the Annual income minus any HUD allowable expenses and deductions.

In accordance with HUD regulations, there are five *allowable deduction* from Annual Income:

a. *Dependent Allowance*

Is \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or disabled.

b. *Elderly/Disabled Allowance*

Is \$400 per family for families who head or spouse is 62 or over and/or disabled.

c. *Allowable Medical Expenses*

Deducted for all family members of an eligible elderly/disabled family.

d. *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. This amount is composed of direct and indirect cost associated with child care.

★ *For purposes of this plan, the City defines direct cost as the amount paid by the adult member to someone and/or entity to care for the child, while the adult member works, attend school, or actively seek employment. Indirect cost is defined as the cost associated with the child care and is the out of*

*pocket expenses incurred by the adult such as disposable diapers and food (i.e., baby food and formula), which are not provided by the child care provider.*

e. *Allowable Disability Assistance Expenses*

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

B. Applicability to Child Care and Disability Assistance Expense Deductions

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

C. Definition of Temporarily/Permanently Absent [24 CFR 982.54 (d)(10), 982.551]

The City of Guayama's policy regarding permanent and temporary absence from the unit is as follows:

1. Non-head of household family members will be considered temporarily absent for the purpose of voucher size and income determination if the member is expected to return to reside in the dwelling unit within a 180-day period.
2. Head of Household will be considered permanently absent and subject to remaining family member policy if absent for a period of more than 60 days.
3. A family member subject to court ordered restraint for a period of more than 60 days will be considered permanently absent for the purpose of voucher size and income determination. The PHA will determine if the reason for incarceration is drug-related or violent criminal activity.

4. A student (other than the head of household or spouse) who attends school away from home but lives with the family during the school recesses may, at the choice of the family, be considered either temporarily or permanently absent.
5. If the family decides that the member is permanently absent income of that member will not be included in total household income, the member will not be included in the lease, and the member will not be included for determination of voucher size.
6. If the student family member resides with the family 183 days per year or more, the family member will be considered temporarily absent when away at school, the member will be included on the lease and the member will be included for determination of the voucher size.
7. A family care-taker resident in the dwelling unit, as a result of permanent absence of the head of household and spouse, and approved by the City, will maintain a status of a temporarily absent adult for the purposes of income determination for a period not to exceed 180 days.
8. If by the end of that period, court-awarded custody or legal guardianship of minors has been awarded to the care-taker, the Voucher will be transferred to the care-taker.
9. If custody or legal guardianship has not been awarded by the court, but the action is in process, the City will secure verification from the appropriate social services staffer as to the status of the case. Needless to say, the City will transfer the voucher to the care-taker, in the absence of a court order, if the care-taker has been in the unit for more than 180 days and it is reasonable to expect that custody will be granted.
10. When the City approves a person to reside in the unit as the caretaker for the child/ren, the income should be counted pending a final

disposition. The PHA will work with the appropriate agencies and the landlord to provide a smooth transition in these cases.

11. If the family includes a child or children temporarily absent from the home due to placement in foster care, the City will determine from the appropriate Child Welfare Agency when the child/ren will be returned to the home. If the time period is to be greater than 12 months from the date of removal of the child/ren, the voucher size will be reduced in accordance with family composition. If all children are removed from the home permanently, and after obtaining proper verification from the appropriate Child Welfare Agency, and depending on the individual circumstances, the voucher assistance may be terminated.

D. Absence of Entire Family

This policy guideline addresses situations when the family is absent from the unit, but has not moved out. For purposes of this plan, the City defines "Absence" as no family member residing in the unit. In cases where the family has made an unauthorized move from the unit, the City will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

1. Families are required to both notify the City before they move out of a unit as well as provide information about any family absence from the unit.
2. If it is determined that the family is absent from the unit, the City will terminate assistance payments. Furthermore, HUD regulations require the PHA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days and/or unauthorized move-out.

In order to determine if the family is absent from the unit without proper authorization, the City will take the following action:

1. Write Letters to the family at the unit;
2. Telephone the family at the unit;

3. Interview neighbors;
4. Verify if the utilities are in service;
5. Visit the unit.

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD allowed 180 consecutive calendar day's limit. However, if the absence which resulted in termination of assistance was due to a person's disability, and the PHA can verify that the person was unable to notify the PHA in accordance with the family's responsibilities, and if funding is available, the PHA may reinstate the family as an accommodation if requested by the family, as long as the period was within 180 days.

E. Request for authorize absence

Cognizant of the fact that many of the participating families have relatives residing on the U.S. mainland, there may come a time when the family might have to be absent from the unit for a limited time due to a "family emergency."

- *For purposes of this plan, the term "family emergency" is defined to mean an emergency being experienced by a relative abroad that might require assistance and/or the family might need to travel for a personal matter.*

Moreover, the family must make a written request, whereby the reason for this petition is being made. The determination to grant or deny the request will be made by the Federal Funds Director and the following criteria will be used:

1. That the family is in good standing;
2. That the family has complied with family obligations;
3. The family has complied with HQS.

The Section 8 Program Office will notify both the family and the owner in writing of the approval of the request made. The family will be advised that they are authorized to be absent from the unit for a period of no more than 90 days as well as that

the family cannot be absent for a period longer than what has been authorized. If the family decides to stay longer than the period authorized, the housing payments will be terminated.

★ *Medical reasons*

Should the PHA, namely the City of Guayama, be advised by the family that they need to relocate to another jurisdiction for medical reasons and after receiving medical treatment desire to return to the initial PHA jurisdiction, the family will be permitted to locate outside of the City jurisdiction for a period up to 90 days. Upon receipt of a medical certification and has been verified that the family needs more time to recuperate, the family will be afforded an additional 90 days for a total of not more than 180 days in accordance with established Federal Regulations. This decision of granting the first 90 days is contingent upon receiving a medical certification, and this has been verified by the Section 8 Program Staff, that the family requires medical attention abroad. Furthermore, should the family be absent for longer than the maximum period permitted (180 consecutive days), the housing payments will be terminated.

Additionally, the owner will be so advised in writing that he or she must reimburse the City for any housing assistance overpayment made for the period after the termination.

F. Visitors

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

The City will consider the following to determine if there is an unauthorized household member in the unit:

1. Absence from evidence of any other address will be considered in making a determination whether or not the visitor is a member of the household;
2. Statements from neighbors and/or the landlord will be considered in making the determination. Use of the unit address as the visitor's

current residence for any purpose that is not explicitly temporary shall be considered in making a determination.

In a joint custody arrangement, if the minor is in the household 182 or less days per year, the minor will be considered to be an eligible visitor and not a family member.

G. Reporting Additions to Owner and PHA

Reporting changes in household composition to the PHA is both a HUD and a PHA requirement. The family is obligated to request PHA approval to add any other family member as an occupant of the unit and to inform as to the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members. If any new family member is added, the income of the additional member will be included in the family income as applicable under HUD regulations. If the family does not obtain prior approval from the PHA, any person the family has permitted to move in will be considered an unauthorized household member. In interim reexamination will be conducted for any additions to the household.

H. Averaging Income

When annual income cannot be anticipated for a full twelve months, the City may annualize the current income and conduct an interim reexamination if income changes. If there are bonuses or overtime which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used. 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. The PHA will complete an interim re-exam for any participating family for a change in income, at any time, upon request by the family.

I. Minimum Income

There is no minimum income requirement. Families who report zero income maybe required to undergo an interim recertification every six (6) months. If the family's expenses exceed their known income, the PHA may inquire as to the nature of the family's accessible resources, and possibly refer the case to the Section 8 Fraud Unit.

J. Income of Person Permanently Confined to Nursing Home  
[24CFR982.54(d)(1)]

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

K. Regular Contributions and Gifts [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment. Any contribution of gift received every month or more frequently will be considered a "regular" contribution of gift, and must be reported. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis.

It does not include casual contributions or sporadic gifts. (See "Verification Procedures" chapter for further definition). If the family's expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.

L. Alimony and Child Support [24 CFRE 5.609]

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 PHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount by providing the item(s) listed below:

- ✓ Verification from the agency responsible for enforcement or collection.

M. Removal of Spouse From Family Unit

It is the family's responsibility to supply a copy of:

1. The pertinent pages of the divorce decree/separation papers;

2. Self-certification and/or affidavit.

N. Lump Sum Receipts [24 CFR 5.609]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health, accident insurance and worker's compensation), capita gains, and settlement for personal or property losses, are not included in income but may be included in assets, and must be reported at the annual re-exam. Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing. In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt, the PHA uses a calculation method which calculates retroactively or prospectively depending on the circumstances.

1. Prospective Calculation Methodology

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

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

2. Retroactive Calculation Methodology

If the payment is not reported on a timely basis, the PHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer. At the PHA's option, the PHA may enter into a Payment Agreement with the family. The amount owed by the family is a collectible debt even if the family becomes unassisted.

O. Contributions to Retirement Funds-Assets [24 CFR 5.603(d)]

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

- ✓ While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

P. Child Care Expenses [24 CFR 5.603]

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time, or to 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:

1. The abuser in a documented child abuse situation;
2. A person with disabilities or older person unable to take care of a small child, as verified by a reliable third-party source;
3. Allowability of deductions for child care expenses is based on the following guidelines:
  - a. **Child care to work:** The maximum child care expense 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.

- b. **Child care for infants:** The following cost will be considered in determining child care expenses:
  - b.1 *Indirect cost:* additional cost incurred by the adult member working and defined in Section R, subpart 3a such as pampers, baby formulas and baby food.
  - b.2 *Direct Cost:* Direct payment made by the household member working to the child care provider.
- c. **Child care for school:** The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

Q. Medical Expenses [24 CFR 5.609(a)(2), 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide. Nonprescription medicines must be doctor-recommended in order to be considered a medical expense. Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts. Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses if doctor approved.

R. Proration of Assistance for "Mixed Family" [24 CFR 5.520]

1. Applicability

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

2. Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of

the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

S. Utility Allowance and Utility Reimbursement Payment [24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for all Tenant-Based Programs. The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual families actual energy consumption.

The PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. The PHA may not provide any allowance for non-essential utility costs, such as costs of cable, telephone (includes land-line and cellular service), air conditioning unit or satellite television.

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

The PHA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination. The approved utility allowance schedule is given to families along with their voucher. The utility allowance is based on the actual unit size selected. Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family [24 CFR 982.514(b)], the PHA will provide a utility reimbursement payment for the family each month. The check will be made out directly to the tenant.

T. Continued Assistance

To be eligible for continued participation in the Section 8 program, a family must meet all of the requirements listed below. They must:

1. Qualify as a family (as previously defined);
2. Comply with the Section 8 family obligations and be in good standing. For purposes of this plan, good standing is defined as the family complying with Section 8 obligations, documents are complete, rent (if applicable) up to date, and utility payments are up to date;
3. Not have been absent, as defined in Section E of this Chapter, from the unit for 90 or more consecutive days.

## CHAPTER 9

### LEASE APPROVAL AND CONTRACT EXECUTION [24 CFR 982.302]

#### Introduction

After issuing a voucher to families, they may search for a unit anywhere within the jurisdiction of the PHA, or outside of the PHA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the City. This chapter defines the types eligible housing, the City's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RFTA).

#### A. Program Requirements [24 CFR 982.302 & 982.305(b)]

The family must submit the RFTA in the form and manner required by the City of Guayama. The City will not approve any family to lease a unit or execute a HAP contract until it has been determined by the City that the following has been met:

1. The unit is eligible;
2. The unit has been inspected by the Housing Inspector and passes HQS;
3. The lease is approved including all the required lease provisions and has been duly executed between the owner and family participant;
4. The rent to the owner has been determined to be reasonable;
5. The total of contract rent plus any utility allowance does not exceed the FMR/exception rent limit and is within the Payment Standard established by the City;

6. The security deposit is approve able in accordance with any limitations inn this plan;
7. The proposed lease complies with HUD and PHA requirement;
8. The owner is approved, and there exist no conflicts of interest.

B. Actions prior to lease term

It will be required that all of the following must always be completed before the beginning of the lease term:

1. The unit has been inspected by the City and it has been determined that the dwelling unit satisfies the HQS;
2. The lease has been duly executed by both the landlord and tenant, and the City has approved the leasing of the unit in accordance with the program requirements.

C. HAP Execution

Prior to contract and lease execution, lease provisions, lease approval procedures, Housing Quality Inspections and payment procedures will be fully discussed with the owner and, as is required by Law, all records and documents related to the lease approval will be filed and retained within the tenant' s file for as long as the family remains in good standing wihtin the program.

Every effort will be made by the City of Guayama to execute a HAP contract before the beginning of the lease term. The City will not pay any housing assistance payment to the owner until the HAP contract has been duly executed. Should the HAP contract be executed during the period of 60 calendar days from the beginning of the lease term, the City will make housing assistance payments after execution of the HAP contract. Any HAP contract executed after the 60-day period is void and the City will not pay any housing assistance payment to the owner.

D. Notice to Family and Owner

The City of Guayama will promptly notify both the family and owner, after, having received the family's request for lease approval to lease a particular unit.

E. Procedure After PHA approval

When the City of Guayama has authorized the family to lease the unit, the owner and the City may then execute the HAP contract. The owner will receive a briefing on the program and the Section 8 Program Director will closely work with both the family and the owner to expedite this same procedure. At this time, the Section 8 Program Director will coordinate with the owner, and based on these instructions, as to where the payment of subsidies will be direct to, or specific instructions on the persons authorized to pick up the same at the City of Guayama.

F. Landlord Rejections

It will be the policy of the City of Guayama not to enter into a HAP contract with any owner who refuses or has a history of refusing to evict families, who disturb the peaceful enjoyment of the property, engage in drug-related or violent criminal activity, and threaten the health or safety of other residents, managers, employees of the Section 8 Office or the owner. This is in accordance with established HUD regulations as set forth in the Quality Housing and Work Responsibility Act of 1998.

In this regard, a dwelling unit will not be approved if the City has been informed by HUD or otherwise, that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR Part 24. When directed by HUD, the unit will not be approved if:

1. The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending;
2. A Court or Administrative Agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

As part of its administrative discretion, the City of Guayama may deny approval to lease a unit from an owner for any of the following reasons including but not limited to those aforementioned:

1. The owner has violated obligations under a housing assistance payment contract under Section 8 of the 1937 act (42 USC1437);
2. The owner has committed fraud, bribery of any other corrupt or criminal act in connection with any federal housing program;
3. The owner has engaged in drug trafficking;
4. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based program, or with applicable housing standards for units leased with Housing Choice Voucher Assistance or leased under another federal housing program;
5. The owner has a history or practice of renting units that fail to meet State or Local housing codes;
6. The owner has not paid State or Local real estate taxes, fines, or assessments.

It should be clearly noted that nothing contained within 24 CFR Part 24 (982.306) is intended to give any owner any right to participate in the program. For purposes of this plan the term "owner" includes a principal or other interested parties.

G. Initial Lease Term

It will be the policy of the City of Guayama that the initial lease term will be for no more than one year after the execution of the HAP contract between the owner and the City. The prevailing practice in the local housing market is to execute a lease contract of no more than one year. This is in accordance with established HUD regulations as set forth in the Quality Housing and Work Responsibility Act, section 545.

H. Security Deposits Requirements [24 CFR 982.313]

Owners may collect a security deposit that is not greater than one month's rent which is the acceptable general practice within the City. Every attempt will be made

to brief the owners and tenants of the importance of this and encourage communication between the two parties.

If the owner fails to collect a security deposit, the City will not be liable for any damages caused by the tenants in accordance with established federal regulations. The owner, as well as the family will be briefed on their responsibilities concerning this.

I. Disapproval of RFTA

If the City determines that the request cannot be approved for any reason, the landlord and the family will be notified. The City will instruct the owner and family of the steps that are necessary to approve the request.

If for any reason, an RFTA is not approved, the City will furnish another RFTA form to the family provided that time remains on the term of the voucher so that the family can continue to search for eligible housing.

J. Lease Review [24 CFR 982.308]

The City will review the lease, particularly noting the approvability of optional charges and compliance with Federal Regulations as well as State and Local Law. The tenant also must have the legal capacity to enter a lease under State Law. Responsibilities for utilities, appliances, and optional services must correspond to those provided on the RFTA.

The family and owner must submit a standard form of the lease used in the locality by the owner. This same lease is generally used by the landlord for other unassisted tenants in the premises. The terms and conditions of the lease must be consistent with State Law. If the standard form of the lease is not present, the City will provide a model that can be used, which complies with HUD regulations and State Law.

At a minimum the lease must specify:

- The names of the owner and tenant;
- The address of the unit rented (including apartment number, if any);
- The amount of the monthly rent to owner;

- The utilities and appliances to be supplied by the owner;
- The HUD prescribed tenancy addendums must be included in the lease word-for-word before the lease is executed;
- The lease must provide that drug-related criminal activity engaged in by the tenant, any household member, or any guest on or near the premises, or any person under the tenant's control on the premises are grounds to terminate tenancy;
- The lease must also provide that the owner may evict family when the owner determines that:
  1. Any household member is illegally using a drug;
  2. A pattern of illegal use of drugs by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- The lease must also provide that the following types of criminal activity by a "covered person" are grounds to terminate tenancy:
  1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their premises by persons residing in the immediate vicinity of the premises;
  2. Any violent criminal activity on or near the premises by a tenant, household member, or guest;
  3. Any violent criminal activity on the premises by any other person, under the tenant's control.
- The lease must provide that the owner may terminate tenancy if a tenant is:
  1. 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;

2. Violating a condition of probation or parole imposed under Federal or State Law.

K. Rent Limitations [24 CFR 982.507]

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

By accepting each monthly housing assistance payment from the City, the owner certifies that the rent to the owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner is required to provide the PHA with information requested on rents charged by the owner on the premises or elsewhere. Moreover, during the tenancy, the rent to the owner may not be more than the most current reasonable rent as determined by the City.

L. Disapproval of Proposed Rent [24 CFR 982.502]

If the proposed rent is not reasonable, at the request of the family, the City will negotiate with the owner to reduce the rent to a reasonable rent or to include some or all of the utilities in the rent to the owner.

If the rent can be approved after negotiations with the owner, the PHA will continue processing the Rental Agreement and lease. If the revised rent involves a change in the provision of utilities then a new Rental Agreement must be submitted.

If the owner does not agree on the rent to the owner, the City has tried to negotiate a revised rent, the PHA will inform the family that the lease is disapproved.

M. Policy statement about a family to prospective owners  
[24 CFR 982.307(b) & 982.54(d)(7)]

It is the position of the City of Guayama, as such will so advise the owners, that they and not the City is permitted and encouraged to screen prospective families on the basis of their tenancy history. All owners will be so advised that they may consider a family's background with respect to such factors as:

1. Payment of rent and utility bills;
2. Caring for the unit and surrounding premise;
3. Respect for the rights of others to the peaceful enjoyment of their dwelling unit;
4. Drug related criminal activity or other criminal activity that may indeed pose a threat to the life, safety or property of others;
5. Compliance with other essential condition of tenancy.

The City feels that the release of past history of a given family may in fact, block the family's efforts to find suitable housing, when in fact, this same family may have changed both their attitude and behavioral patterns for the better.

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

N. Change in Total Tenant Payment (TTP) Prior to HAP Effective Date

When the family report changes in factors that will affect the total family share prior to the effective date of the HAP contract at admission, the information will be verified and the total family share will be recalculated. If the family does not report any change, the PHA need not obtain new verifications before signing the HAP.

O. Contract Execution Process (24 CFR 982.305(c))

The City prepares the Housing Assistance Payment (HAP) contract for execution. The family and the owner will execute the lease agreement and this same agreement will be notarized. Notwithstanding, the owner and the City will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents. The PHA will retain a copy of all signed documents.

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

The following PHA representative(s) is/are authorized to execute a contract on behalf of the City of Guayama: Duly elected Mayor of the City and/or his/her authorized representative.

Owners must provide the current address of their residence (not a Post Office Box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address. The owner will also submit documents prior to execution of the HAP contract. These documents are required by State Law and they are:

1. The deed to the property;
2. A certification that the Owner has no debt with the City nor with the State;
3. Certification that the Owner has his personal finances up-to-date;
4. Certificate of Good Conduct;
5. Certification that the Owner does not owe Child Support;
6. Owners must provide an employer identification or social security number;
7. Any other document required, by the City.

Furthermore and unless there was a lease 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. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.



## CHAPTER 10

# HOUSING QUALITY STANDARDS AND INSPECTIONS [24 CFR 982.401]

### Introduction

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The City of Guayama will inspect each unit under contract at least annually. Furthermore, the City will also have a quality control inspector or inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the PHA's required standards and to assure consistency in the PHA's program. This chapter describes the PHA's procedures for performing HQS and other types of inspections, and the City's standards for timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the "HQS" in this Administrative Plan refers to both the combination of HUD and PHA requirements.

### Inspections

Housing to be utilized and approved for the program will be subject to meeting the Performance Requirements as set forth within the Federal Register 982.401 with the exceptions of requiring mechanical equipment such as cooling or ventilating under the criteria Thermal Environment. Natural ventilation, when appropriate under windows and air circulation criteria will be considered acceptable.

Efforts will be made at all times to encourage Owners to provide housing above HQS minimum standards. The City will not promote any additional acceptability criteria which are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

Notwithstanding, all utilities and Owner provided appliances (i.e., refrigerator, stove and oven or range) must be installed by the initial inspection date. If the tenant is responsible for supplying the stove and/or refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS.

1. Types of Inspections [24 CFR 982.401(a) & 982.405]

There are four types of inspection that will be carried-out by the City of Guayama:

- a. Initial/Move-in -Conducted upon receipt of the Request for Tenancy Approval;
- b. Annual -Conducted within twelve months of the last annual inspection;
- c. Special-Conducted at the request of the owner, family, an agency and/or third party. This would also include emergency inspections;
- d. Quality Control.

2. Initial HOS Inspections [24 CFR 982.401 (a) & 982.305(b)(2)]

The Housing Inspector must inspect the unit, determine whether the unit meets with HQS, and notify the family of the determination within a time after the family submits a Request for Tenancy Approval. To the extent practicable, such inspection and determination must be completed within 15 days after the family and the owner submits a Request for Tenancy Approval. The 15-day clock is suspended during any period when the unit is unavailable for inspection.

Consequently, the unit must be vacant or occupied by the family to be inspected.

The initial inspection will be conducted to:

- Determine if the unit and property meet the HQS as defined in this plan;

- Document the current condition of the unit to assist in future evaluations whether the condition of the unit exceeds normal wear and tear;
- Document the information to be used for determination of rent reasonableness.

If the unit fails the Initial Inspection, the owner will be notified in writing and advised to notify the City once the repairs have been completed. On the Initial Inspection the Owner will be given 30 days to correct the items noted as fail. This will be done at the Inspector's discretion and depending on the amount of and complexity of the work to be done. The owner will be allowed up to two 30-day re-inspections for the 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 that they must select another unit, if time remains on the term of the voucher.

3. Annual HQS Inspections [24 CFR 982.405(a)]

As required by SEMAP, the City conducts a HQS Inspection annually, whereby, at a minimum it is carried-out 60 days prior to the anniversary date of the last annual inspection. Special inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies that cause a unit to fail unless it is a fail for which the tenant is responsible. The family must allow the PHA to inspect the unit at reasonable times with reasonable notice in accordance with 24 CFR 982.551(d).

- a. Inspection - The City will notify the family by mail or by phone at least 14 days prior to the inspection. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within a reasonable period of time;
- b. Reinspection - The family and owner are provided a notice of the reinspection appointment by mail. If the family is not at home for the reinspection appointment, a second notification will be sent where another appointment is automatically scheduled within 14 days;
- c. The family is also notified that it is a Family Obligation to allow the PHA to inspect the unit. If the family was

responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this same Administrative Plan, they will be advised of their responsibility to the corrective action;

- d. If the family is not at home for a third scheduled inspection, they may be proposed for termination for failure to comply with a Family Obligation.

#### 4. Time Standards for Repairs

The owner must correct emergency items which endanger the family's health or safety within 24 hours of notification. For non-emergency items, repairs must be made within a time frame set by the Section 8 Inspector, but not later than 30 days. For major repairs, the Section 8 Director may approve an extension beyond 30 days.

#### 5. Special Inspections [24 CFR 982.405(c)]

If at any time the family or owner notifies the City that the unit does not meet HQS, the PHA may conduct an inspection. The PHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The PHA 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. However, if the annual inspection date is within 30 days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be adhered to.

#### 6. Quality Control

Quality Control inspections will be performed by a Quality Control Inspector or designate of the Section 8 Director on the number of files required by SEMAP. The purpose of Quality Control inspections is to ascertain whether each inspector is conducting accurate and complete inspections, and to ensure that there is consistency in the application of HQS.

The sampling of files will include recently completed inspections (within the prior 3 months) and a cross-section of neighborhoods.

7. Emergency Repairs [24 CFR 982.404( a)

An emergency is defined as a violation which threatens the life, safety, health of the family. If the emergency repair items(s) are not corrected in the timer period required by the City, and the owner is responsible, the housing assistance payment will be abated and the HAP contract terminated. If the emergency repair items(s) are not corrected within the time frame required by the City, and it is the responsibility of the Family, the PHA will terminate the assistance.

8. Owner & Family Responsibility [24 CFR 982.404 & 982.454(d)(14)]

A. Owner Responsibility for HQS

1. The owner must maintain the unit in accordance with HQS.
2. If the owner fails to maintain the dwelling unit in accordance with established HQS, the City will take prompt and vigorous action to enforce the owner obligations. The City of Guayama's remedies for breach of HQS include abatement of housing assistance payments or termination of the HAP contract.
3. The City of Guayama will not make any housing assistance payments for a dwelling unit that fails to meet HQS, unless the owner corrects the defect within the period specified by the City and the correction is verified. If a defect is life threatening, the owner must correct the, defect within no more than 24 hours. For other defects the owner must correct the deficiencies detected within the specified time frame established by the City.
4. The owner is not responsible for a breach of the HQS not caused by the owner, and for which the family is responsible. Furthermore, the City may terminate assistance to a family because of any HQS breach it causes.

B. Family Responsibility for HQS

1. The family is responsible for a breach of the HQS that is caused by any of the following:
  - a. The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
  - b. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant;
  - c. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).
2. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family caused defects, the family must correct the defect within the time frame established by the City.
3. If the family has caused a breach of the HQS, the City will take prompt and vigorous action to enforce the family obligations. The City may terminate assistance for the family.

9. Consequences due to Non-Compliance by the Owner [24CFR 982.405 & 982.453]

When it has been that a unit on the program fails to meet HQS and the owner is responsible for completing the necessary repair(s) in the time frame specified by the City, and the owner failed to repair after timely notice, the assistance payment to the owner will be abated.

10. Rent Increases

No rent increases will be approved if the unit is in a failed condition.

11. Notice of Abatement

A notice will be sent to the owner, and the abatement will be effective from the day of the failed inspection when the owner failed to repair after timely notice. The abatement is in effect until the unit passes or goes into default. The PHA will inspect abated units within 30 days of the previous inspection. A reinspection date is provided on the abatement letter, however, the PHA will reinspect earlier upon the owner's request.

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 reinspection date. No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS.

12. Termination of Contract

If the owner is responsible for repairs and failed to correct all the deficiencies cited prior to the end of the abatement period, the owner will be a HAP Termination notice. Prior to the effective date of the termination, the abatement will remain in effect. Notwithstanding, if the repairs are completed prior to the effective termination date, the termination may be rescinded by the City if the tenant chooses to remain in the unit.

13. Consequences due to Non-Compliance by the Family  
[24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the City will require the family to make any repair(s) or corrections within 30 days. If the repair(s) or corrections(s) are not made in this time frame, the City will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases may be approved by the Section 8 Director. 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.

14. Emergency Fails items

The following items constitute examples of emergency items for the City and need to be abated within 24 hours:

- A. No hot or cold water
- B. No electricity
- C. Major Plumbing leak
- D. Broken lock) on the first floor doors.
- E. Broken window panes that unduly allow weather elements into the unit.
- F. Electrical outlet smoking or sparking
- G. Exposed electrical wires which could result in shock or fire.
- H. Security risks such as broken doors or windows that would allow intrusion.
- I. Other conditions which pose an immediate threat to health or safety.

## CHAPTER 11

### OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.502,982.504,985.505,982.507]

#### Introduction

The policies outlined in this chapter reflect the amendments to the HUD regulations, which were implemented by the enactment of the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant- Based Assistance Program as well as the procedures adopted by the City of Guayama for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

The City will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the responsibility of the City to ensure that the rents charged by owners are reasonable based upon unassisted comparable in the rental market, using the criteria specified in 24 CFR 982.507(b). Furthermore, the City of Guayama will base its determination upon a survey of comprable units located in the same neighborhood as the unit for which the resonable rent in being determined.

#### A. Payments to Owners [24 CFR 982.451]

The details for processing of the monthly payments for owners, the calculation, preparation and delivery of the checks, and the establishment of accounting and auditing procedures will be the responsibility of the program's accountant.

The monthly checks to owners and negative rents to families will be delivered during the first week of the month to which the payment actually applies. If for unforeseen reason this is not possible, a notice will be given to owners and recipients of negative rent of the possible payment date.

In accordance with the Quality Housing and Work Responsibility Act, the City of Guayama can be held liable for late payment of the housing assistance payment by the owner. Any late payment penalties must be imposed by the owner in accordance with the generally accepted practices in the local housing market. A late payment fee must be

paid from the City of Guayama administrative fee unless authorize by HUD to make such payment from another source. Furthermore, no late fee may be charged if HUD determines that the late payment is due to factors beyond the control of the City .

B. Rent to Owner

The rent to the owner is limited by rent reasonableness. The PHA must demonstrate that the rent to the owner is reasonable in comparison to rent for other comparable unassisted units. The only other limitation on rent to the owner is the maximum rent standard at initial occupancy as established by 24 CFR 982.508. During the initial term of the lease, the owner may not raise the rent to an owner.

C. . RentReasonableness [24 CFR 982.507]

1. Determination

In accordance with 24 CFR part 982, subpart K, section 982.503, the City will not approve a lease until it is determined that the initial rent to the owner is reasonable.

The City will redetermine the reasonable rent under the following conditions:

- a. Before any increase in the rent to the owner;
- b. If there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary;
- c. If directed by HUD.

The City of Guayama will redetermine the reasonable rent at any other time that it deems necessary as a form of efficient management of the limited funds available.

## 2. Comparability

The City of Guayama will determine whether the rent to the owner is a reasonable rent in comparison to rent for other comparable unassisted units. So that said determination can be ascertained the following will be considered:

- a. The location, quality , size, unit type, and age of the contract unit;
- b. Any amenities, facilities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

## D. Owner Certification

By accepting each monthly housing assistance payment from the City of Guayama, the owner certifies that the rent paid is not more than rent charged for comparable unassisted units in the premises. The owner must give the City of Guayama information requested by the City on rents charged by the owner for other units in the premises or elsewhere.

Additionally, the Section 8 Program Director will establish a data bank by obtaining information as to rental values in various areas of his jurisdiction and will compare them to proposed rents in the requests submitted by owners and applicants for lease approval.

At the time of the application being filled out, the applicant will provide information as to the actual being paid, which may be verified by a letter from the landlord or agent. This too will constitute an index, and in some cases, an element to compare and allow Rent Reasonable Certification. It will be certified by the Section 8 Program Director based on the survey conducted by the Housing Inspector in the form used by the City of Guayama to validate such certification. The Certification of Rent Reasonableness will be kept within the tenant' s file for as long as the family is a participant within the Program.

E. Payment Standards [24 CFR 982.503]

A payment standard will be set between 90%-110% of the Fair Market Rent for the PHA jurisdiction as established by QWHRA. The City of Guayama has a payment standard of 100% of the Fair Market Rent established by HUD.

The local area Office of HUD, namely the Economic and Market Analysis Division (EMAD), as well as the HUD Public Section 8 Program Director will be consulted on an annual basis, so as to confirm that the FMR employed are both accurate and reflect the general cost of housing for our area.

In the case of the PHA requesting a revision to the existing FMR, the PHA will include documentation showing the current median rent for standard units in our area. In this regard the PHA's recommendations will be supported by such analytical data such as:

- Evidence that significant changes in rents have been experienced in the rental market, which differ from those changes measured by the Consumer Price Index (CPI) factors used to update the Annual Housing Services based on the Median Rent.
- When convenient and/or required the PHA will provide local housing Market surveys that indicate the current median rent levels for standard units of various sizes within our designated FMR area.

F. Exceptions to FMR on a Unit by Unit Basis

The PHA is entitled to establish its payment standard from 90%-110% of the FMR approved for MSA area of the PHA. The PHA will be allowed to approve initial gross rents on a unit by unit basis which exceed the FMR's or payment standard established by the PHA for units, which by virtue of size, amenities or location, or in the case of expanding housing opportunities for low income families, or to obtain units which have been made accessible to the disabled, which are determined to warrant exception rents. The PHA accepts the fact that this same authority will not be exercised for more than 20 percent of the units authorized by the ACC.

G. Affordability Adjustments

Upon recertification/ redetermination of the applicant, any adjustments will be to the appropriate Payment Standard established by the PHA. Where it has been accurately determined by the PHA that based upon the documentation available to the PHA, that an overpayment was made by the PHA, the PHA will immediately advise the participant of the same and request a meeting in order to establish a repayment schedule or other acceptable plan in order for the PHA to recover the overpayment.

H. Rent Adjustments [24 CFR 982.503]

Rent adjustments requested by landlords will be processed as indicated in Section 982.509 Federal Register, April 30, 1998, page 23863. The owner must request said revision to the contract rent sixty (60) days prior to the HAP contract anniversary date.

I. Financial Feasibility

Before increasing the Payment Standard, the PHA will review the budget to determine the impact projected subsidy increases would have on available funding for the program and the number of families that are being or will be served. For this purpose, the PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under the current Payment Standard.

J. Exception Payment Standards [24 CFR 982.503(c)]

The PHA will maximize housing opportunities outside areas of poverty concentration and/or approving a higher payment standard for families who have a family member that is elderly or handicapped as a reasonable accommodation as well as families that are too large and are experiencing a hard time finding affordable housing.



## CHAPTER 12

# REDETERMINATION/RECERTIFICATIONS AND VERIFICATION OF FAMILY INCOME AND COMPOSITION [24 CFR 982.516]

### Introduction

In accordance with Federal Regulations, the City of Guayama will reexamine the income and household composition of families at least annually. Families will provide accurate annual and interim rent adjustments. Recertifications and interim examinations will be process in a manner that ensures families are given 30 days notice of rent increases. The chapter outlines the policies and procedures adopted by the City for conducting annual recertifications as well as the coordination of annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

#### A. Annual Activities [24 CFR 982.516 & 982.405]

There three activities that the City must conduct on an annual basis:

-Recertification of income and family composition.

-HQS Inspections (See Chapter 10, "Housing Quality Standards and Inspections")

-Rent increases, if requested by the Owner.

The City produces a monthly listing of units under contract to ensure that timely reviews of rent to owner, housing quality, and factors related to a total tenant payment/family share can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Municipal Finance Department.



B. Annual Initial Recertification Reexamination [24 CFR 982.516]

1. Initial determination and regular determination

Initial certification (regular determination) will be carried out prior to the signing of the HAP contract between the City and the owner .

2. Redetermination of family income

Redetermination of family income and composition will be conducted on an annual basis by the City as specified in 24 CFR part 5, subpart F. All redetermination will be effective on the anniversary date of the HAP contract.

Ninety (90) to seventy-five (75) days prior to the expiration of the HAP contract, the participating family will be notified in writing that an annual reexamination will be made in the following order:

- \* 90 to 75 days initial notice
- \* 60 days second notice
- \* 30 days final notice
- \* Cancellation notice due to noncompliance by the family

Step 1: An initial 90 to 75 -day notice will be sent to the family requesting that they fill out a recertification application (form included with notice) and a scheduled interview. The tenant will be interviewed and the following documents will be requested based on the information provided:

1. Signed consent form to release information;
2. Sign verification of income form;
3. Change in family composition:
  - a. Copy of S.S.N. card
  - b. Copy of birth certificate

- c. Photograph
  - d. Sworn Statement
4. Form W-5 from the State Labor Department;
  5. Verification of student status if deem necessary (under the new regulations a full-time student is defined as a person who is attending school or vocational training on a full-time basis);
  6. Issuance of Certificate of Good Conduct from the State Police Department;
  7. Any other document that are deemed necessary, so as to complete the recertification process of the family;
  8. A date will be set for submitting the requested documents.

Step 2: During the follow-up notice, the City will make a second request in writing requesting those items not submitted or received in order to complete the reexamination process. The City will begin to compile the information received, assure for completeness and accuracy, and will follow-up on third party verification, thus, initiating the necessary action to certify said information. The appropriate form designated by the City will be prepared and said form will be signed by the family. Form 50058 will also prepared so that the verified information can be entered into the system and electronically sent to MTCS in accordance with existing HUD regulations.

Step 3: The yearly mandatory inspections will be carried out and both owner and family will be notified in writing of the results of the reexamination and changes in family contribution or eligibility for the unit they may occupy if any. A final notice will be issued that will contain a scheduled date to sign the addendum to the original contract reflecting these same changes for the coming year.

In the event that for some unforeseen reason there is a delay in completing said reexamination, the owner and tenant would be notified of an extension, under the same

terms and conditions presently existing, until the reexamination is completed. Families that do not comply with the submission of documents for the annual reexaminations once given all opportunities will be notified of their cancellation as participants within the program and will be advised of their rights as well as informed that they are entitled to request an informal as established in this plan. The final determination of said hearing will be maintained with the family' s file. A copy of the determination will be directed to the owner stating that the housing assistance payments will be discontinued.

C. Interim Recertification Policy [24 CFR 982.516]

When a participating family, due to unforeseen or temporary events, requests an adjustment in the family contribution, the documents submitted or the reasons will be verified by the Section 8 Program Director or designated staff member. The common reasons for a family to make this request are: (1) Loss of income or job, (2) Medical Expenses (Applies to Elderly or disabled Family only); (3) Increase of family composition.

Interim recertification of income and change of family composition will be conducted by the housing staff within a responsible time after the family has made such request. When a tenant family comes in to inform of any changes not directly related to their annual reexamination, Form 50059 will be prepared and signed by the family.

After the interview, the following forms/ documents are requested:

1. Signed recertification/ redetermination form;
2. Signed consent to release information, if applicable;
3. Signed verification of income form, if applicable;
4. Change in family composition(same as in annual recertification);
5. W-5 form for any member who claims to be unemployed;
6. A certificate of good conduct from the State Police Department, (if applicable);

7. Whatever document is deemed pertinent for the completion of the recertification process.

Upon filling out the recertification form, the Section 8 Office will request the aforementioned documents from the participant family and a date will be scheduled by the City for the family to present its situation to the Section 8 Program Director. This will allow the family to comply with the documents requested by the City as well as the verification of the validity of the information provided by the family in accordance with 24 CFR part 5, subpart F, section 982.516.

In accordance with established federal regulations, the case will be analyzed with the existing conditions and a new computation of tenant rent will be prepared. A notice will be sent to both the tenant and landlord informing them of the changes and the dates that they will become effective. For certain extraordinary reasons this determination could in fact be ruled retroactively. The correspondence notifying both the family and the landlord would constitute a valid amendment to the lease and Housing Assistance Payment contracts, respectively.

The tenant will be instructed to notify the City of any change of the conditions which originated the verification and periodic reexaminations would henceforth be scheduled. The family will be advised, that failure to comply with this same condition, could result in a decision to increase the family participation, effective the condition, which originally caused the adjustment ceased to exist.

#### D. Adjusted Income

Adjusted income means annual income of the members of the family residing or intending to reside in the dwelling unit, after making the following mandatory deductions as per 24 CFR part 5, section 5.61 and as set forth in Chapter 9 of this Administrative Plan.

#### E. PHA Errors

If the City makes a calculation error at admission to the program or at an annual reexamination, an interim examination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases,

when applicable, retroactive to when the decrease for the change would have been effective if the information was calculated correctly by the PHA.

F. Notification of results of recertifications

The HUD form 50058 will be completed and transmitted as required by HUD. A notice of rent change will be mailed to the owner and the tenant. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. Rent Determination [24 CFR Part 5, Section 5.613]

1. Total Tenant Payment

Computation of the total tenant payment will be determined in accordance with 24 CFR Part 5, Section 5.613. The computation of TTP will be made once all income has been duly accounted and properly verified and all credits and unusual expenses have been determined eligible under the other applicable factors.

2. The total tenant's payment will be the highest of the following amounts:

- A. 30 percent of the family's monthly adjusted income;
- B. 10 percent of the family's monthly income;
- C. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by the agency to meet the family's housing costs, the portion of those payments which is designated for housing;
- D. Minimum rent in accordance with applicable provisions of Section 5.616.

E. A family renting a unit above the payment standard pays the higher of 30% of monthly adjusted income, 10% of monthly income, or the welfare rent, and the amount of rent above the payment standard but not more than 40% as the cap established by QHWRA of income on the family share of rent for initial leasing of any unit.

H. Minimum Rent [24 CFR 5.626]

The established "Minimum rent" for the City of Guayama is \$25.00. Minimum rent refers to the Total Tenant Payment and includes the combined amount of family pays towards rent and/or utilities when it is applied.

I. Hardship exemption

1. Should a family request a hardship exemption, said request will be honored upon determination of whether there is a qualifying financial hardship. The suspension of the minimum rent requirement will begin the month following the family's hardship request.

2. The following will be considered as financial hardship:

- a. When the family has lost eligibility for, or is waiting an eligibility determination for a Federal, State or, local assistance;
- b. When the family would be evicted as a result of the imposition of the minimum rent requirement;
- c. When the income of the family has decreased because of changed circumstances, including loss of employment;
- d. When a death has occurred in the family;
- e. Other circumstances as determined by the City of Guayama.

J. Request for Hardship Exemption

1. If a family requests a hardship exemption, the City of Guayama will suspend the minimum rent requirement beginning the month following the family's hardship request until the City of Guayama determines whether there is a qualifying financial hardship and whether it is temporary or long-term.
2. If the City of Guayama determines that there is a qualifying financial hardship, but that it is temporary, the City of Guayama will not impose a minimum rent for a period of any more than 90 days from the date of the family's request. At the end of the 90-day suspension period, a minimum rent is imposed retroactively to the time of suspension. The family will be afforded a responsible repayment agreement for the amount of back rent owed.
  - a. If the City has determined that there is no qualifying hardship exemption, the City of Guayama will reinstate the minimum rent including the back payment for minimum rent from the time of suspension on terms and conditions established by the City.
  - b. If the City of Guayama determines that there is a qualifying long-term financial hardship, the family will be exempted from the minimum rent requirement in compliance with 24 CFR Part 5, Section 5.616.

K. Appeal of financial hardship

Should the family appeal the financial hardship determination through the City of Guayama's grievance procedure, it will be exempt from any escrow deposit that may be required in accordance with 24 CFR art 5, Section 5.616.

## CHAPTER 13

### MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314,982.353, 982.355(a)]

#### Introduction

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under portability procedures. The regulations also permit the PHA discretion to develop policies which define any limitations or restrictions on the move. This chapter defines the procedures for moves, both within and outside of, the PHA's jurisdiction, and the policies for restriction and limitations on moves.

#### A. General Procedures (Whenever this City for portability purposes is the Initial PHA)

A family must live in the initial PHA's jurisdiction and hold a housing voucher or be a current participant to be eligible for portability. Furthermore, the family may lease a dwelling unit anywhere in the United States where there is a tenant-based subsidized housing program or in the same state or MSA. The family could decide to reside in an adjacent MSA to the initial PHA. According to existing regulations, if no PHA with a tenant-based program in this jurisdiction, assistance is administered by the initial PHA.

The family could decide to reside within the initial PHA's MSA and the assistance will be administered by the initial PHA, thus, expanding the housing choices of the family, and therefore, complying with HUD's deconcentration policy as well as moving them from poverty areas.

#### B. Limitations on Participation

The family will not be allowed to port under the following conditions:

1. A non resident applicant will be required by the City, as the initial PHA, to reside within the jurisdiction a minimum of 12 months.

2. Families that have exceeded the limit of 5 moves within a one year period following the execution of the initial lease and HAP contract.
3. The initial PHA may also deny a move under grounds covered by, Section 982.552 of the Federal Register.
4. In accordance with QWHRA, families with lease violations will not be allowed to port out.

C. Allowable Moves

A family may move to a new unit after the first year of the initial lease- up with continued assistance if:

1. The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a not-for-cause court judgment or other process allowing the owner to evict under State Law.
3. The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to the owner).
4. Proper notice by the owner and/or family will be 90 days prior to the HAP contract reaching full term.

D. Portability [24 CFR 982.3253]

Portability applies to families moving out of or into the PHA's jurisdiction within the United States and its territories.

E. Income Limits under Portability

Families must meet income guidelines for eligibility in the receiving jurisdiction if:

1. Leasing a unit for the first time;
2. Changing types of assistance (Certificate to Voucher)

F. Initial PHA Responsibilities under OHWRA

The family information packet will include a written explanation of how portability works, its meaning from the family's perspective as well as specific procedures which the family will need to follow in order to be allowed to port out of the City.

Income eligibility of the family will be determined in accordance with established Federal Regulations as well as identify the receding PHA if more than one PHA has jurisdiction. The family will be advised as to how, and when to contact the receiving PHA. HUD Form 52665, part I will be completed and forward to the receiving PHA with supporting documentation. All pertinent forms will be forward to the receiving PHA via certified mail unless an emergency existed and then said documents will be forward via a facsimile.

G. Receiving PHA Responsibilities under OHWRA

The receiving PHA must perform all regular PHA functions and responsibilities as required by existing HUD regulations. Part II of HUD Form 52665, will always be used, to report information pertaining to the family to initial PHA such as:

1. Initial billing and subsequent changes
2. Absorption - if the receiving PHA misses initial billing deadline or has an established policy and has sufficient funding in the ACC to absorb the family.
3. Family leaves the program

H. Billing Issues under Portability

The receiving PHA must meet the initial billing deadline by completing Part II of HUD 52665 and attach from HUD 50058 within 10 working days as established by QHWRA. Form 52665 will automatically requisitions monthly amount due for each subsequent month. The initial PHA must make payments within 30 calendar days following receipt of said form unless each PHA agreed to a different schedule.

I. Restrictions on Moves [24 CFR 982.314 & 982.552(a)]

After initial lease-up families will not be permitted to move within the City's jurisdiction during the initial first year of assisted occupancy. Also, after initial lease-up families will not be permitted to move outside the City's jurisdiction under portability during this first year of assisted occupancy. Families will not be permitted to move more than once in a 12-month period. The PHA will deny permission to move if there is sufficient funding for continued assistance.

The Section 8 Director or his/her designate may make an exception to these restrictions if there is an emergency reason for the move over which the participant has no control, which includes, for example, a termination of a HAP contract due to the owner's violation of the HAP contract, or when, in change of ownership, the new owner refuses to sign a HAP contract.

## CHAPTER 14

### CONTRACT TERMINATIONS

[24 CFR 982.311 & 982.314]

#### Introduction

This chapter describes the circumstances under which the HAP contract can be terminated by the City of Guayama and the owner as well as the policies and procedures adopted for such terminations.

#### A. Contract Terminations [24 CFR 982.311]

The term of the HAP Contract is the same as the lease that is signed between the owner and the family. The contract between the owner and the City may be terminated contingent upon the termination of the lease by the owner or the tenant.

No future subsidy payments on behalf of the family will be made by the City to the owner after the month in which the contract has been terminated. The owner must reimburse the City for any subsidies paid by the PHA for any period thereafter. If the family continues to occupy the unit after termination of the contract, the family is responsible for the total amount of rent due to the owner .

After a contract termination and the family meets the criterion for a move with continued assistance, the family is eligible to lease-up in another unit. The contract for the new unit may begin during the month in which the family vacated the old unit.

#### B. Termination of HAP Contract due to Family Move [24 CFR 982.314(c)(2)]

During the briefing, the family will be informed of established procedures within this same program that once they chose to relocate to another dwelling unit, they must notify the owner of their intent to move in written form and with a copy of said notification to the City. The family must give the owner at least a ninety (90) day notice. This same time requirement must be adhered to by the owner should he or she decide to terminate the contract or not renew it. A written statement of this will be provided to the family as well as owner in their respective packets.

Since the leases are based upon a monthly rent structure, the family must be made aware that if the owner is not notified well in advance, the owner could conceivably spend sometime looking for a new tenant. If the owner is able to secure another tenant to occupy the unit at the time the family vacates, a portion of the deposit could be returned to the outgoing tenant. The same can be said for the owner with the exception that the family needs time to locate a suitable dwelling unit to meet their needs.

By making this request of both the owner and family participant, the City will in fact have the necessary elements to judge if proper notice was given to the landlord or vice versa, and in addition, send the Housing Inspector to review any claim of damages which could be claimed at that time.

If the family vacates the unit in violation of the lease or tenancy agreement, the owner will receive the housing assistance payment due under the HAP Contract for the period of the month that the unit was occupied and no other payment will be made as soon as the City has been informed of the noncompliance by the participant family. The owner must reimburse the PHA for any excess amounts collected from the PHA after the last payment has been made.

C. Termination of Tenancy by the Owner: Eviction [24 CFR 982.310 & 982.455]

In the case where the owner requests eviction he will be required to follow the contractual obligations and procedures and the Section 8 Director will be assisted by an in-consultation with the City's Legal Counsel.

The owner, notwithstanding, will not evict any family unless he complies with State and/or Local Law as well as section 983.310(e) of the Federal Register. The owner will provide a copy of the eviction notice to the City. The owner may only evict the tenant from the unit by instituting a court action.

During the term of the lease, the owner may not terminate the tenancy except for the grounds specified in HUD regulations. During the term of the lease the owner may only evict for:

1. Serious or repeated violations of the lease, but not limited to failure to pay rent or other amounts due under the lease.

2. Violations of Federal, State and Local law that impose obligations on the tenant in connection with the occupancy or use of the premise, or criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises or any drug related criminal activity on or near the premises.
3. The owner must provide the tenant a written notice of termination specifying the grounds for termination of the lease. The Owner must serve this notice during the term of the tenancy, and the tenancy does not terminate before this notice given. This notice is required in addition to any requirements mandated by State or local law.
4. The PHA will continue to make housing assistance payments until the family moves or is evicted from the dwelling unit and the contract has not been violated. Furthermore, by endorsing the monthly check from the PHA, the Owner certifies that the tenant is still in the unit, the rent is reasonable and he/ she is in compliance with the contract.
5. If the action is finalized in court, the owner will provide the corresponding documents to the City including the court notice of the move-out date.
6. If an eviction is not due to a serious or repeated violation of the lease, and if the City has no other grounds for termination of assistance, the City will issue a new voucher so that the family can move with continued assistance.

D. Evidence of Criminal Activity

The Owner may terminate tenancy and evict by judicial action for criminal activity by a family member if the owner determines they have engaged in a criminal activity under the following:

1. Regardless of arrest or conviction;
  2. Without satisfying the standard of proof used for a criminal conviction.
- E. Termination of the Contract by the PHA [24 CFR 982.404(a), 982.453, 982.454 & 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, or the program assistance for the family is terminated, or when the owner has breached the HAP contract. Furthermore, the PHA may also terminate the contract if funding is no longer available under the ACC. In accordance with HUD regulations, the contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner .

F. Notice of Termination

When the PHA terminates the HAP contract, the City will provide the owner and family written notices of termination of the contract, which will be at the end of the calendar month that follows in which the notice was served to the Owner .

G. Termination of Tenancy Decisions

If the law and regulation permit the owner to take action but doesn't require any action to be taken, the owner can decide whether to take action. Relevant circumstances for consideration, include:

1. The seriousness of the offense;
2. The effect on the community;
3. The extent of participation by household members;
4. The effect on uninvolved household members;

5. The demand for assisted housing by families who will adhere to responsibilities;
6. The effect on the integrity of the program;
7. The extent to which the leaseholder has shown personal responsibility and taken reasonable steps to prevent or litigate the offending action.

H. Exclusion of culpable household member

The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit.

Actions of termination by the owner must be consistent with the fair housing and equal opportunities as specified in 24 CFR 5.105.



## CHAPTER 15

### DENIAL OR TERMINATION OF ASSISTANCE

[24 CFR 982.4, 982.54, 982.551, 982.552 & 982.553]

#### Introduction

This chapter outlines the procedures adopted by the City of Guayama required to deny and/or terminate assistance program assistance to families, the policies for denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract. Also, the informal hearing procedures established by the City of Guayama are set forth.

#### A. PHA Denial or Termination of Assistance for a Family [24 CFR 982.552]

According to Section 982.553 of the Federal Regulation, the City of Guayama may terminate assistance for participation under the Housing Choice Voucher Program because of the family's action or failure to act. The provisions of this section do not affect denial or termination of assistance for grounds other than action or failure to act by the family.

##### 1. Denial of Assistance

Denial of assistance for applicant by the City may include any or all of the following:

- a. Denying listing on the waiting list;
- b. Denying or withdrawing a voucher;
- c. Refusing to enter into a HAP contract or approve a lease;
- d. Refusing to process or provide assistance under portability procedures.

2. Termination of Assistance for a participating family

Termination of Assistance for a participating by the City may include any or all of the following:

- a. Refusing to enter into a HAP contract or approve a lease;
- b. Terminating assistance payments under an out standing HAP contract;
- c. Refusing to process or provide assistance under portability procedures;

B. Grounds for Denial or Termination of Assistance [24 CFR 982.551 & 982.553]

The City may at any time deny program assistance for an applicant or terminate program assistance for a participating family, for any of the following reasons:

1. If the family violates any family obligations under the program, crime committed or alcohol abuse by the family.
2. If any member of the family has been evicted from federally assisted housing in five last five years.
3. If the PHA has ever terminated assistance under the program for any member of the family.
4. If any member of the family has committed fraud, bribery, or any corrupt or criminal act in connection with any Federal housing program.
5. If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
6. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

7. If the family breaches an agreement with the PHA to pay amounts owed, or amounts paid to an owner by the PHA. The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to the PHA or amounts paid to an owner by the PHA. The PHA may prescribe the terms of the agreement.
8. If the family is under contract and 180 days have elapsed since the City last housing assistance payment. Furthermore, the family has not requested to be recertified, to move, before the 180 day period has elapsed or within the 14 days stated in the proposed notice of termination from the City, whichever is later;
9. If any member of the family commits drug-related or violent criminal activity. The City may terminate or deny assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted;
10. If the City seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred no more than one-year prior to the date that the City notifies the family of its decision to deny or terminate assistance;
11. The City may not deny or terminate assistance for such use or possession by a family member if the family member can demonstrate that he/she:
  - a. Has an addiction to a controlled substance, has a record of such an impairment or is regarded as having such an impairment;
  - b. Is recovering, or has recovered from, such an addiction and does not currently use or possess controlled substances. The City will require the family member to submit evidence of participation in, or successful completion of, a treatment program as a condition to being all owed to reside in the unit.

12. If the family has engaged in or threatened abusive or violent behavior towards PHA personnel.
2. The City of Guayama **must** deny admission or terminate assistance for any of the following grounds:
    - a. If the family was evicted from housing assisted under the Section 8 Program for serious violation of the lease;
    - b. If any member of the family fails to sign and submit consent forms allowing the City to obtain wage and income information in accordance with HUD regulations at 24 CFR 5, subparts B and F, respectively, addressing the City's ability to gather family income, wage and expense information;
    - c. If a family member has been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing property. For purposes of this plan, "premises" is defined to be any building and/or complex in which the dwelling unit is located, including common areas and grounds. Section 8 Rental Assistance will be immediately and permanently denied/ terminated.
    - d. If any family member abuses or shows a pattern of abuse of alcohol and it is determined by the City that it has reasonable cause to believe that abuse or pattern of abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. This applies to denial of assistance only;
    - e. If the family fails to submit the required evidence of citizenship or eligible immigration status based on non-citizen rule regulations (24 CFR 5.506 and 5.518) and applicable informal hearing procedures;
    - f. If any household member is subject to a lifetime registration requirement under a State sex offender registration program.

C. Consideration of Circumstances

In determining whether to deny admission or terminate assistance because of action or failure to act by any member of the family:

1. The City will consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family member who were not involved in the action or failure.
2. The City will impose, as a condition for continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The City will permit the other members of participant family to continue receiving assistance.
3. In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the City will consider whether the household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program and/or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the City will require submission and the same will be verified according to established procedures set forth within this same Administrative Plan.
4. The City's admission and eviction actions will be consistent with the Fair Housing and Equal Opportunity provisions as set forth in 24 CFR 5.105.

D. Notice of Termination of Assistance

When a contract is terminated at a time when the family is ineligible for payments, the contract will not be renewed and all parties involved will be informed in writing stating the reason for such a decision.

In the case of an overcrowded unit where it is determined by the Section 8 Program Director that the dwelling is not decent, safe and sanitary by reason of an increase in family size, and the PHA finds another acceptable dwelling unit available for occupancy by the family, and the lease with the first owner will be terminated in accordance with established federal regulations. The payments will be made available to the family for occupancy in the acceptable unit, unless the family indicates a valid reason for rejecting the new unit, the contract can be terminated.

The reasons for termination of the housing assistance payments are clearly stated in the different contract documents and in every case written notification will be directed to both the owner and the tenant, stating the reasons and the effective date of the termination.

If it is determined by the City to terminate assistance to the family a written notification will be sent clearly stating the reasons for the decision and an opportunity will be afforded to the family to appeal the decision and for an informal hearing in accordance with the "Complaints and Review" chapter of this plan and existing federal regulations as well as Section 982.552 and 982.5531 respectively.

Once the family has been afforded the opportunity to appeal the decision made by the City to terminate their assistance or denial of assistance because of failure to act and/or inaction by the family the family must wait five (5) years before they may reapply. Also, if the participant family decides to voluntarily hand in their voucher, they must wait five (5) years before reapplying.

E. Screening and Eviction for Drug Abuse and Other Criminal Activity  
[24 CFR 982.5531]

1. Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the City of Guayama to fully endorse and implement a policy designed to:

- A. Help create and maintain a safe and drug-free community.

- B. Keep program participants free from threats to their personal and family safety.
- C. Assist families in their vocational/ educational goals in pursuit of self-sufficiency whenever possible.

2. **Administration**

All screening, and termination of assistance procedures shall be administered fairly and in such a manner so as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability , sex or other legally protected groups.

To the maximum extent possible, the City will involve other community and governmental entities in the promotion and enforcement of this policy.

F. **Denial of Admission and Termination of Assistance for Criminals and Alcohol Abusers**

1. **Prohibiting Admission of Drug Criminals**

The City of Guayama will prohibit admission to the program of an applicant for five years from the date of conviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the City may admit the household if it is determined:

-That the evicted household member who engaged in drug- related criminal activity has successfully completed a supervised drug rehabilitation program approved by the State;

-That the circumstances leading to eviction no longer exist such as that the criminal household member has dies or is imprisoned.

The City has established the following standards for prohibiting admission:

-The City has determined that any household member is currently engaging in illegal use of a drug;

-The City has determined that it has reasonable cause to believe that 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;

-Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

2. **Prohibiting Admission of Other Criminals**

The City has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The City will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided. This screening is to be carried-out through the Puerto Rico Police Department, which issues 'Certificate of Good Conduct.'

3. **Prohibiting Admission of Alcohol Abusers**

The City will prohibit admission to the program if it is determined that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

4. **Terminating Assistance for Drug Criminals and Other Criminals**

The City will terminate assistance for a family under the program if it is determined that:

-Any household member is currently engaged in any illegal use of a drug;

-A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

-The City will immediately terminate assistance for a family under the program if it determined that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

-The City will terminate assistance under the program to a family it is determined that any family member has violated the family's obligation under Section 982.551 which states that the family will not engage in any drug-related criminal activity.

5. **Terminating Assistance for Alcohol Abusers**

The City of Guayama will terminate assistance under the Housing Choice Voucher Program if it is determined that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to a peaceful enjoyment of the premises by other residents.

G. **Notice of Termination of Assistance**

If the City decides to terminate the assistance to the family, the provisions and procedures set forth in Section E of this chapter shall be adhered to.

H. **Family Obligations [24 CFR 982.551 ]**

In accordance with HUD regulations, the family must supply any information that the City of Guayama or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. "Information" includes any requested certification, release or other documentation. Furthermore, the family is required to supply any information requested by the City or HUD for use in regularly scheduled reexamination or interim reexamination of family income and composition.

I. Enforcing Family Obligations

1. HOS Breach

The inspector will determine if an HQS breaches as identified in 24 CFR 982.404(b) is the responsibility of the family. Families may be given extension to cure HQS breaches by the Federal Funds Director or his/her designate.

2. Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance.

- A. If the owner terminates tenancy through court action for serious or repeated violations.
- B. 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 City determines that the cause is a serious or repeated violation of the lease based on available evidence. Available evidence may include, but is not limited to police reports.
- C. Non payment of rent is considered a serious violation of the lease, unless the reason for non-payment is covered by State or local law such as a rent deposit with the Court.

3. Notification of Eviction

If the family request assistance to move and they did not notify the City of an eviction within 30 days of receiving said notice, the move will be denied.

4. Proposed Additions to the Family

New family members must meet HUD and the City's eligibility requirements as enumerated in this same Administrative Plan. Program participants must report all changes in household composition to the City between annual reexaminations. This includes additions due to birth, adoption, and court-

award custody. The family must obtain the City's approval prior to all other additions to the household.

5. Family Member Moves Out

Families are required to notify the City if any family member leaves the assisted household. When the family notifies the City, they must furnish the following information:

- A. The date the family member moved out.
- B. The notarized statement as to whether the family member is temporarily or permanently absent.

J. Option Not To Terminate For Misrepresentation [24 CFR 982.551 & 982.552(c)]

If the family has misrepresented any facts that caused the City to overpay assistance, the City 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 City in full.

K. Misrepresentation in Collusion with Owner [24 CFR 982.551 & 982.552(c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the City will deny and/or terminate the assistance to the family.

L. Missed Appointments and Deadlines [24 CFR 982.551 & 982.552(c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the City to fulfill its responsibilities. The City schedules appointments and sets deadlines in order to obtain the required information. The obligations also require that the family allow the City to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or supply information required by the deadline without notifying the City, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or failure to allow the City 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 within this same plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for admissions
- Verification procedures
- Voucher Issuance and Briefings
- Housing Quality Standards Inspections
- Recertifications
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines established:

- Medical emergency
- Family emergency
- Other circumstances beyond the family's control, as approved by the Section 8 Director or his/her designate.

M. . Procedure when Appointments are Missed or Information not Provided

Needless to say, the family will be afforded two opportunities before being issued a Notice of Termination or denial for breach of a family obligation.

After issuance of the termination notice for missed re-exam or inspection, if the family corrects the breach within the time allowed to request a hearing, the notice will be rescinded. Termination notices issued for other reasons will not be rescinded, even if the family offers to correct the breach.



## CHAPTER 16

### OWNER DISAPPROVAL AND RESTRICTION [24 CFR 982.54, 982.306 & 982.453]

#### Introduction

It is the policy of the City of Guayama to recruit owners to participate in the voucher program. The City will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the City. This chapter outlines the criteria for owner disapproval, and the various penalties imposed to the owner for violations as well as approval or disapproval of the participation of an owner in certain categories.

#### A. Disapproval of Owner [24 CFR 982.306 & 982.54(9)(8)]

As part of its administrative discretion, the City may deny approval to lease a unit from an owner for any of the following reasons including but not limited to those aforementioned:

1. The owner has violated obligations under a housing assistance payment contract under Section 8 of the 1937 Act (42 USC1437);
2. The owner has committed fraud, bribery of any other corrupt or criminal act in connection with any federal housing program;
3. The owner has engaged in drug trafficking;
4. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based program, or with applicable housing standards for units leased with Housing Choice Voucher Assistance or leased under another federal housing program;
5. The owner has a history or practice of renting units that fail to meet State or Local housing codes, including established Housing Quality Standards;

6. The owner has not paid State or Local real state taxes, fines, or assessments.
7. The City will require that the owner certify whether they are related to the participating family in anyway.
8. HUD has informed the City that a court or administrative agency has determined the owner has violated the Fair Housing Act or other federal equal opportunity requirements.
9. HUD or other agency directly related has informed the City that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

It should be clearly noted that nothing contained within 24 CFR Part 24 (982.306) is intended to give any owner any right to participate in the program. For purposes of this plan the term "owner" includes a principal or other interested parties.

**B. Owner Restrictions and Penalties [24 CFR 982.453]**

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the City will restrict the owner from future participation in the program for a period to time commensurate with the seriousness of the offense. The City may also terminate some or all of the contracts with the owner.

Before imposing any penalty against the owner the City 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.

**C. Change in Ownership**

A change in ownership requires assumption of the existing contract. The City 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 documents showing the transfer of the title, and the Social Security number of the new owner.

The City may approve the assignment of the HAP contract at the new owner's request. The City may deny approval of the assignment of the contract, for any of the reasons listed in Section A of this chapter.

## CHAPTER 17

### OWNER OR FAMILY DEBTS

[24 CFR 982.552]

#### Introduction

The chapter describes the City of Guayama's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the policy of the City to meet the informational needs of owners and families, alike, as well as 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 the documentation to support the City'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 and/or any other interested parties.

When families or owners owe money to the City, the City will make every effort to collect it. The City will use a variety of collection tools to recover debts including, but not limited to:

- Abatements/Contract holds
  - Civil Suits
  - Payment Agreements
  - Reductions in HAP to owner
  - Requests for lump sum payments
- A. Policy Concerning Repayment by a Family Participant to the PHA of Amounts Owed [24 CFR 982.552(c)(v-vii)]

The City will determine the following:

Step 1: Once it has been determined that the tenant owes money to the City a payment plan shall be established.

Step 2: Once the payment plan has been established, it will be forwarded to the Finance Department, who has the faculty to enforce all payment plans. According to established procedures in the Finance Department, late penalties will be imposed when the family does not comply with the terms established.

Step 3: After various attempts to get the tenant to comply with the terms of the payment schedule, the tenant will have the participation canceled since this will form part of the signed agreement. Once the participation has been terminated because of default on their payment plan, the family will have to wait five (5) years before they can reapply.

B. Debts Due to Misrepresentation of Information [24 CFR 982.163]

HUD' s definition of program fraud and abuse is a single act or pattem of actions that:

*Constitutes false statement, omission, or concealment of 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.*

1. Family Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement section of this chapter, or make a lump sum payment.

2. Program Fraud

Families who owe money to the PHA due to program fraud will be required to repay in accordance with the guidelines established in the Payment Agreement section of this chapter.

If a family owes an amount as a result of program fraud, the case may be referred to the Inspector General of the United States and the Puerto Rico Department of Justice as well as referred to the Municipal Legal Division for criminal prosecution.

C. Owner debts to the PHA [24 CFR 982.453(b)]

If the City determines that the owner has received housing assistance or claim payments the owner is not entitled to, the City will reclaim the amounts from future housing assistance payments or claim payments owed the owner for any units under contract.

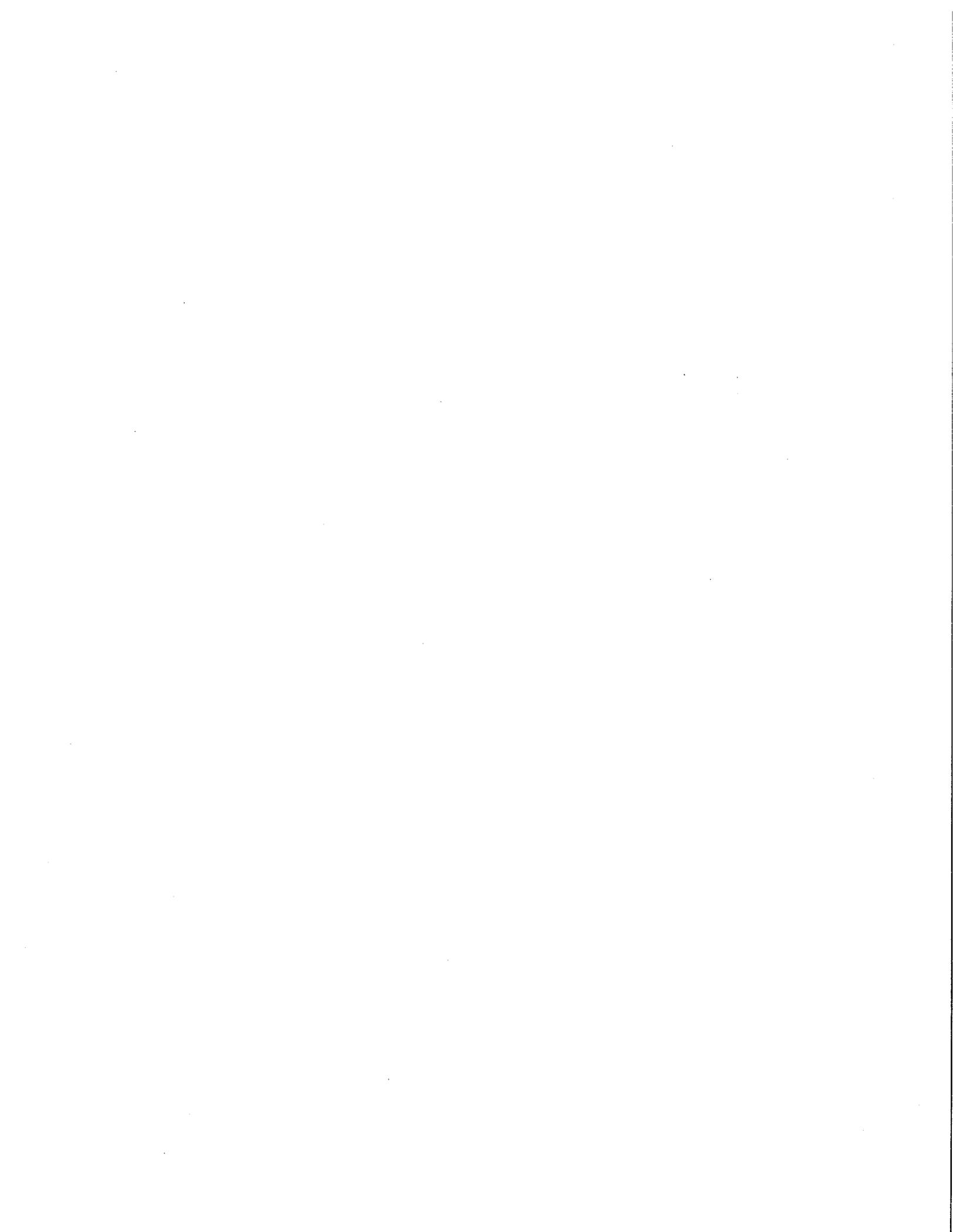
If future housing assistance payments or claim payments are insufficient to reclaim the amounts owed, the City will:

Require the owner to pay the amount in full within 30 days.

Enter into a payment agreement with the owner for the amount owed.

Pursue collections through the local court system.

Restrict due owner from future participation.



## CHAPTER 18

### COMPLAINTS AND APPEALS

#### Introduction

The chapter outlines the policies, procedures, and standards to be used when families disagree with a decision by the City of Guayama. The procedures and requirements are explained for informal reviews and hearings. It is the policy of the City to ensure that all families have the benefit of protection due to them under the law.

#### A. Informal Review [24 CFR 982.54(d)(12)]

At all times due City will afford an applicant family the opportunity to request an informal review of any decision made to deny assistance under due Housing Choice Voucher Program.

Specifically, the City will be required to notify an applicant in writing that assistance has been denied no later than fifteen (15) working days after said decision has been made. Within this same written notice, the applicant will be informed of their right to appeal the decision either in written form or verbal. Additionally, the participant must be advised by the City, that they have some thirty (30) days from the date of the written notice to request an informal hearing. Such a request may be either in written or oral form, and that the participant has the right to be represented by another family member, friend, and/or legal counsel.

Furthermore, the City in advising the participant of his rights stating within the denial letter the reason for the decision and at the same time reference that part of existing law, regulation and more specifically HUD regulation that was used a basis for denying assistance to the family participant.

#### B. When an informal review and/or hearing is not required

The City of Guayama is *not required* to give an applicant the opportunity for an informal review and/or hearing for any of the following:

1. Discretionary administrative determinations by the Municipality;
2. General policy issues or class grievances;

3. A determination of the family's unit size under the City's subsidy standards;
4. The City's determination not to approve an extension or suspension of the voucher term;
5. The City's determination not to grant approval of the tenancy;
6. A determination by the Program Staff that the unit selected is not in compliance with Housing Quality Standards and/or because of the family size or composition;
7. Establishment of the City's schedule of utility allowances;
8. The City's determination to exercise or not to exercise any right or remedy against an owner under a HAP contract.

C. When an informal review is required

Except as noted above in Section B of this chapter, the City must give an applicant the opportunity for an informal hearing to review of its decision to deny housing assistance.

D. When an informal hearing is required

The City *must* give a participant family an opportunity for an informal hearing to consider whether the following decisions are in accordance with the Law, HUD regulations and/or the City of Guayama's policies.

1. A determination of a family's annual or adjusted income and the use of such income to compute the housing assistance payments;
2. A determination to terminate assistance for a participant family because of the family's action or failure to act;
3. A determination of the appropriate utility allowance, if any, for tenant-paid utilities from the City utility allowance schedule.

4. A determination of unit size under the City subsidy standards.
5. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the City's policy and HUD rules.

E. Requesting an Informal Hearing

The participant family must request an informal hearing in writing. The request must state why the family disagrees with the City's decision. The request must either be delivered to the Section 8 Office's front desk or postmarked no later than 15 days after the date that the Notice of Termination was mailed. The Notice of Termination letter will be mailed in a certified mail envelope.

Moreover, extenuating circumstances that prevent a participant from requesting an informal hearing within 15 calendar days after receiving this same Notice of Termination will be taken into consideration. The participant must provide documentation verifying the need for more time (airline tickets and travel itinerary, funeral announcement, verification of lengthy hospitalization). The decision to provide additional time is solely at the City's discretion.

F. Hearing Procedures [24 CFR 982.555 (a-f) & 982.54(d)(13)]

The following represents the City of Guayama established for conducting an informal hearing for participants:

1. Notification of parties concerned

If a written request for an informal hearing is received by the due date, a hearing will be scheduled. A written notice will be sent to all concerned parties indicating place and time for the hearing.

2. Grieved family's and PHA's right to view documents

The family will be given an opportunity to review any HA documents that are deemed necessary before the hearing. The PHA

will permit the family to copy any such document pertaining to the case at the family's expense.

It is agreed that the PHA must be given the opportunity to examine at its office any family documents that are directly relevant to the hearing. The PHA is therefore allowed to copy any such documents at its own expense. It is then agreed, that if the family does not make the document available for examination at the request of the PHA, the family will not be permitted to submit the document(s) at the hearing.

3. Representation of the Family

The City agrees that, at its own expense, the family may be represented by legal counsel or other representative(s).

4. Hearing Officers

The hearing will be conducted by a member of the legal staff of the City, or by any other person so designated by the Mayor, other than a person who made or approved the decision under review or a subordinate of this person. The City in appointing a person to conduct the hearing is empowered to regulate the conduct of the hearing.

5. Evidence

The City and the family will be given the opportunity to present evidence as well as question any witnesses brought forth by either party. The City agrees that the evidence presented will be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

6. Decision of Case

When deciding the case, the Hearing Officer will only consider evidence presented at the hearing. Information that is not produced by the scheduled date of hearing will not be considered.

7. Issuance of Decision

The City has agreed that the person who will be conducting the hearing must issue a written decision within thirty (30) days of the date of the informal hearing, which states the reasons for the decision taken. The City has agreed, that factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

8. Written Notice

A copy of the Hearing Officer's report will be given to the appropriate housing staff and a copy of the decision will be sent to the family and if applicable to the owner informing of the decision. A copy will be placed in the family's file.

9. Rehearing

A rehearing may be requested to rectify any obvious mistake of law made during the hearing or any obvious injustice that was not known at the time of the hearing. A rehearing will be allowed if the facts show that the hearing procedure was defective. To request a rehearing, the participant, or the participant's representative, must submit a written request to the Executive Director, namely the Mayor of the City of Guayama. This request must be submitted within 14 days of the date of the hearing decision mailed. The request must demonstrate just cause. Any new factual matters or legal arguments no raised in the original proceedings must be specified in the written request.

10. Decision of the Executive Director

It is at the Mayor's sole discretion that a request for a rehearing will be granted or denied. At the Executive Director's discretion, a rehearing may be limited to written submissions by both parties.

7. Effect of Decision

The City will not be bounded by a hearing decision as described in section 982.555(f) of the Federal Register.

G. Appoint Policy for Informal Hearing and/or Reviews

A participant family who does not meet the City's appointment policy will automatically lose their informal hearing.

H. Complaints to the City

The City will respond promptly to complaints from families, owners, employees, and members of the public. The City's hearing procedures will be provided to the families in the briefing packet.

## CHAPTER 19

### SPECIAL HOUSING TYPES

[24 CFR 982.601]

The City of Guayama will permit the use of special housing types in its program.

#### A. Policy-Type of Unit Required

Without incurring vacancies, the City will make every reasonable effort to provide units or special housing types for the disabled families with physically disabled and/or elderly members who require such units:

- ✦ The City will give elderly families a preference in admission to projects for the elderly;
- ✦ The City has agreed not to set a minimum age for the admission of disabled or disabled persons;
- ✦ The City will not exclude elderly families with children having units of due appropriate size;
- ✦ For intentions of this same plan, specially designed units are sometimes referred to as accessible or barrier-free units. These may include ramps, grab bars, lower counters or special facilities, etc.
- ✦ Moreover, the City is aware that families which meet the HUD definition of disabled or disabled often do not require specially designed units. An example of this would be a person who is mentally disabled would not be in need of a unit designed for a person with a mobility impairment and will not be offered such a unit.

B. Large Families

When it is determined that a qualified family such as a single mother with numerous small children (four, five, or six), it becomes difficult to find an owner many times who are desirous to rent either an apartment or a single detached unit to this same family.

In this regard, should this same family find it totally impossible to locate an acceptable unit on its own, the City will provide the following assistance:

- ❖ Meet with homeowners who possess the proper sized units for the families involved and attempt to persuade them to accept these families;
- ❖ Meet with representatives of the State Housing Department and Family Department in order to obtain assistance to resolve the problems;
- ❖ It should clearly be noted, that the City will do everything within its authority to assist disabled, elderly and large families obtain suitable, clean, safe and decent housing.

## CHAPTER 20

### SECTION 8 HOMEOWNERS HIP PROGRAM

[24 CFR 982.265]

#### Introduction

One of the major objectives of the present Administration within the City of Guayama is to create maximum opportunities to both low and very low income families to become first-time homeowners. Experience has clearly demonstrated that homeowners take more pride in, and better care of their Individual housing units, than those families who occupy rental units. This fact will clearly assist in:

- A. Eliminating blight and blighting conditions within low income areas by preserving existing housing units;
- B. Develop self-sufficiency by encouraging other low and very low income families to become self-sufficient, in order to qualify as first-time homeowners;
- C. Revitalize and stabilize existing and deteriorated low income neighborhoods.

The City of Guayama has decided to delay, until further notice, the implementation of the Section 8 Homeownership Program pursuant to Section 8(y) of the USHA of 1937, as implemented by CFR part 982. The City currently utilizes State resources such as those provided by the State Housing Department as well as the Commonwealth of Puerto Rico Housing Development Bank. Moreover, the State is running a program to assist first-time home buyers called "Llave para tu hogar" or A Key for Your Home. This program provides a grant up to \$15,000 to be used as part of package to bring the cost of the home down. The dwelling may not be selling for more than \$80,000.00. Also the State runs a program called "Ley 124," which also assist low income families purchase their home. Another program available to first-time homebuyers is the Homebuyer Program sponsored by the U.S. Department of Agriculture, Rural Development Administration. The City is contemplating implementing HUD's homeownership program at some future date.

The following actions listed below will address the obstacles that may be faced by potential buyers.

## **ACTIVITIES:**

1. **Provide Greater Assistance in Meeting Both down Payment and Closing Cost Requirements**

One of the greatest barriers to homeowners by potential low income purchases, are the Initial costs, such as down payment and closing costs. The City will, working with such housing agencies as previously set-forth within this same submission, create both a viable and effective program whereby low income families have the opportunity to become first-time homeowners.

### **OBJECTIVE: Create Affordable Housing Within the Community**

Affordable housing within the City of Guayama has been adversely impacted by the following factors over time:

1. Family Income;
2. Land Costs;
3. Financing;
4. Lack of Available Land for Development.

Bearing this in mind, the City of Guayama will develop a strategy that identifies policies, which may require modification, and initiate the following actions that will address the problem of affordable housing and the establishment of the Homeownership Program.

## **ACTIVITIES:**

1. **Improve Land Development Regulations**

At the present time the Puerto Rico Planning Board is the primary regulatory agency of the State government, that deals with land use and requirements for construction of housing sub-division, which combined with requirements of other State agencies tend to create obstacles to affordable housing. In this regard, the City will be working with our elected officials, namely-both the State Representative in the House of Representatives and our State Senator, in order to study existing applicable regulations and their impact upon

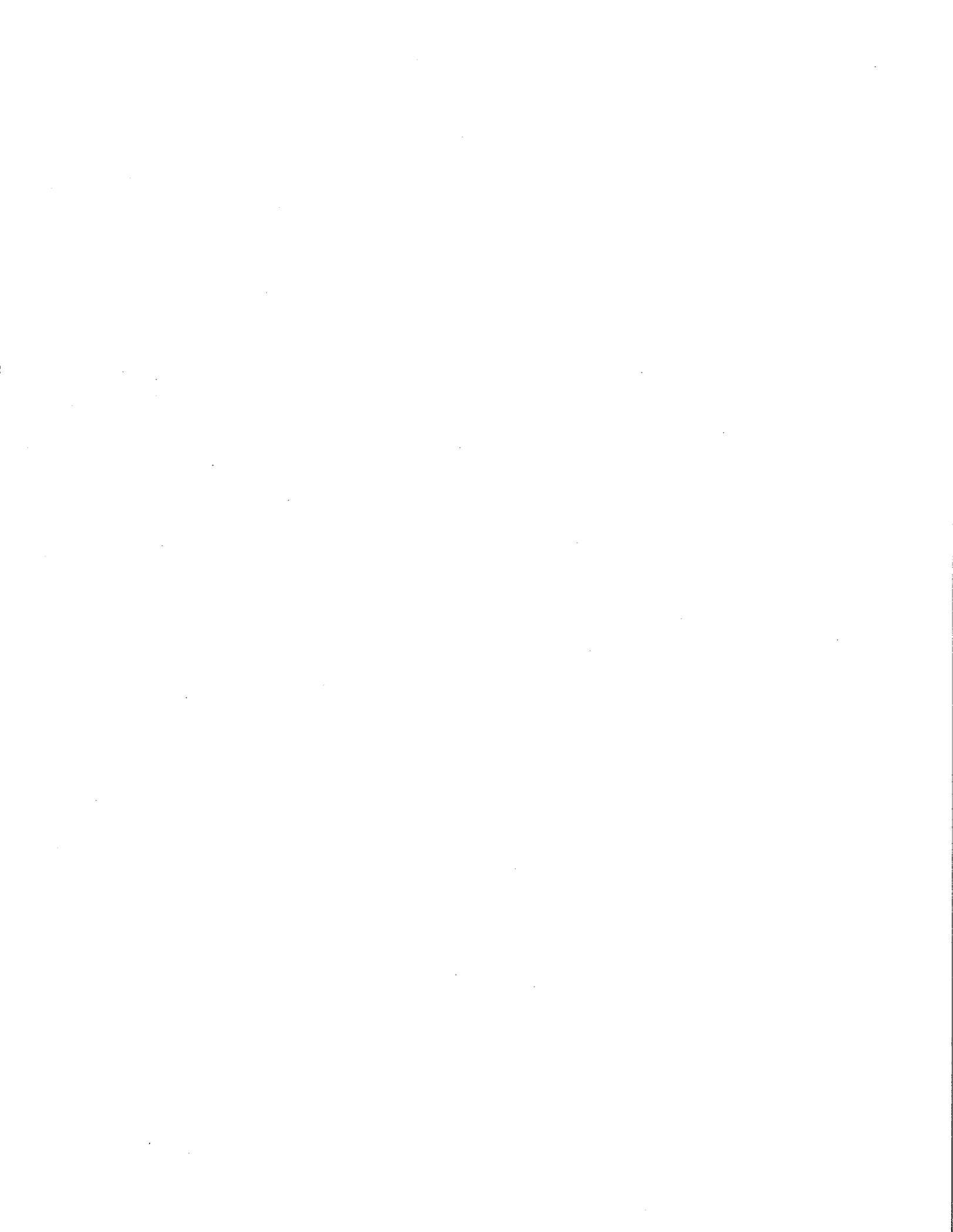
the local housing market. Additionally, both the Mayor and representatives of the City will be working with their counterparts within the Planning Board in reviewing existing land policies.

**2. Providing for the Coordination of Funding**

In order to achieve any degree of success in creating affordable housing for households classified as being either low or very low income, requires funding for multiple funding sources. The City will take into account and consider the appropriate changes in order to implement the Homeownership Program, whereby, it will consider the following:

1. Assistance will be provided for:
  - a. First time homeowner;
  - b. Family that owns or is acquiring shares in cooperative.
2. The total family that will be serviced through this program will be limited to approximately 15 families;
3. Funding levels.

The City of Guayama will take into account and consider the appropriate changes in order to Improve the application process for all federal programs that may have a beneficial impact upon the local housing market and affect programs covered within the Five-Year Plan.



## CHAPTER 21

### PROGRAM INTEGRITY [24 CFR 792.101 to 792.204 & 982.54]

#### Introduction

The City of Guayama is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach all who need it and qualify, so that program integrity can be achieved and maintained. The City of Guayama will take any and all necessary steps to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously. This chapter outlines the City's policies for the prevention, detection and investigation of program abuse and fraud.

Furthermore the City will be in compliance with 24 CFR Part 903, PIH Notice 2003-34 dated December 19, 2003, which outlines the implementation of RIM, the Rental Housing Integrity Improvement Project (RHIIP), and the Improper Payments Information Act of 2002 as mandated by HUD, the City of Guayama has established the following standards and procedures to be earned out in furtherance of HUD's goals and objectives.

Moreover, these same standards and procedures will ensure long-term compliance with the requirements of the programs involved, including but not necessarily limited to:

1. To provide low and very low income families the opportunity of choice and mobility in selecting where they want to live;
2. To maintain the essential elements of a private relationship between the tenant and the landlord on matters other than rent;
3. To develop and implement a strong financial management system so as to ensure HUD's goal of improving efficiency and oversight to make certain that the correct amount of assistance goes to the families that need it the most;
4. To develop strategies to coordinate the use of housing assistance under the Housing Choice Voucher Program with public and, private resources, to enable families eligible to receive assistance under this same program to achieve economic independence and self-sufficiency.

It should be noted, that the Section 8 Office within the City of Guayama will implement the necessary management systems and oversight controls, so as to assure, that the individual programs included within this same Plan are:

1. Completed within a timely manner in compliance with HUD's requirements;
2. That they are indeed in total compliance with existing Federal and State applicable regulations.
3. Compliance with the Rental Housing Integrity Improvement Project (RHIIIP) as established by HUD regulations and guidelines.
4. Compliance with the SEMAP Indicators.

A. Criteria for Investigation of Suspected Abuse and Fraud

Under no circumstances will the City undertake an inquiry or audit of a participating family arbitrarily. The City's expectation is that participating families will comply with HUD's requirement provisions of the voucher and other program rules. The housing staff will make every effort to brief and educate families in order to avoid unintended violations. Moreover, the City has an obligation to HUD, to the Community as well as families in need of rental housing assistance, to monitor participants and owner for compliance and, when indicated of possible abuse are brought to the City's attention, to investigate such claims.

The City will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

1. Referrals, Complaints and Tips

The City will follow-up on referrals from other agencies or individuals which are received by mail, telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the case file.

2. Internal File Review

A follow-up will be made if the housing staff discovers during the process of annual certification and/or reexamination or quality control review information or facts which conflict with previous file data, the City's knowledge of the family, or is discrepant with statements made by the family.

3. Verification Document

A follow-up will be made if the City receives independent verification or documentation which conflicts with representations in the family's file such as public record information and/or reports from other agencies.

B. Steps to be taken by the Municipality to Prevent Program Abuse and Fraud

The City will utilize various methods to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. The objective of this policy is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

1. Review and explanation of Forms - the housing staff is responsible for explaining thoroughly all required forms and review the contents of all (re)certifications documentation prior signatures.
2. Landlord/Tenant Fraud Letters - are required to sign a certification indicating acknowledgment of the landlord's and tenant's responsibilities to adhere to program requirements.

C. Steps to be taken by the Municipality to Detect Program Abuse and Fraud

The Housing Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

1. Quality Control File Review - prior to initial certification, and at the completion of all subsequent reexaminations, a random selection of files will be reviewed per year as per HUD regulations in accordance with SEMAP. Such reviews will include, but are not limited to:

1. Assurance that verification of all income and deductions is present.
  2. Authenticity of file documents.
  3. All forms are correctly dated and signed.
2. Observation
- The City's management and staff, but in particular the Housing Staff will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.
3. Public Record Bulletins

These documents may be viewed by management and staff.

D. The City's Handling of Allegations of Possible Abuse and Fraud

The Municipal Housing Staff will encourage all participating families to report suspected abuse. All such referrals, as well as referrals from community member and other agencies, will be thoroughly documented and placed in the case file. All allegations, complaints and-tips will be carefully evaluated in order to determine if they warrant follow-up. The housing staff in charge of participant case files will not follow up on allegations which are vague or otherwise non-specific. They will only review allegations which contain one or more indecently verifiable facts.

1. File Review

An internal file review will be conducted to determine if the subject of the allegation is a client of the City and, if so to determined whether or not the information reported has been previously disclosed by the family. Any file documentation of past behavior as well as corroborating complaints will be evaluated.

2. Conclusion of Preliminary Review

If, at the conclusion of the preliminary file review, there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the staff will initiate an investigation to determine if the allegation is true or false and/or the case will be referred to the Municipal Internal Auditors Office for the appropriate course of action.

E. Overpayments to Owners

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

The City will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the City or the tenant, as applicable.

F. How the City will investigate allegations of Abuse and Fraud

If the City determines that an allegation or referral warrants follow-up, the case will be referred to the Municipal Internal Auditor's Office and/or person designated by the Federal Funds Director to monitor the program compliance. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the City will secure the written authorization, where necessary, from the program participant for the release of information.

1. *Employers and Ex-Employers*

Employers and ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.

2. Neighbors/Witness

Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the City's review.

3. Other Agencies

Investigators, case workers or representatives of other benefit agencies may be contacted.

4. Interviews with Head of Household or Family Members

The City will discuss the allegation, or details thereof, with the Head of Household or family members by scheduling an appointment at the appropriate Municipal office or conducting a field interview. A high standard of courtesy and professionalism will be maintained by the Municipal staff person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language person may attend such interviews, if necessary.

G. Placement of Documents, evidence and statements obtained by the City

Documents and other evidence obtained by the City during the course of an investigation will considered "case product" and will either be kept in the participant's file, or in a separate "case file." In either case, the participant's file or case file shall be kept in a restricted area. Such cases under review will not be discussed among Municipal staff unless they are involved in the process, or have information which may assist in the investigation.

H. Conclusion of the City Investigative Review

At the conclusion of the investigative review, the reviewer will report the findings to the Federal Funds Director, and disclose whether a violation has occurred, a violation has not occurred, or whether the facts are inconclusive.

I. Evaluation of the Findings

If it is determined that a program violation has occurred, the City will review the facts to determine:

- The type of violation (procedural, non-compliance, or fraud);
- Whether the violation was intentional or unintentional;
- What amount of money, if any, is owed by the family;

- If the family is eligible for continued occupancy.

In deciding whether to take action against a tenant, landlord or both, the City will take into consideration whether the tenant was in collusion with the owner, or the tenant was confronted by the owner after the tenancy had begun and was compelled by the owner to make the payments to avoid adverse action.

J. Procedures for Violations Which Have Been Documented

Once a program violation has been documented, the City will propose the most appropriate remedy based upon the type of severity of the violation.

1. Procedural Non-compliance

This category applies when the family "fails to" observe a procedure or requirement of the City, but does not misrepresent a material fact, and there are no retroactive assistance payments owed by the family.  
*Examples of compliance violations are:*

1. Failure to appear at a pre-scheduled appointment.
2. Failure to return verification within the time period specified by the City.

2. Procedural Non-compliance - Overpaid Assistance

When the family owes money to the City for failure to report changes in income or assets. In such cases a warning notice will be sent to the family in the form of a proposed termination letter which contains the following:

- a. A description of the non-compliance and the procedure, policy or obligation which was violated.
- b. The family's right to request an informal hearing including their right to review their file and obtain representation at their own expense.

3. Intentional Misrepresentations

When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results, or would have resulted, in an overpayment of housing assistance by the Program, the City will evaluate whether or not:

- a. The participant had knowledge that his/her actions were wrong.
- b. The participant willfully violated the family obligations or the law.

Knowledge that action or inaction was wrong:

▶ This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various documents, the Voucher, Family Statement of Responsibility and Drug-free household certification are adequate to establish knowledge of wrong-doing.

▶ The participant willfully violated the law: Any of the following circumstances will be considered adequate to demonstrate willful intent:

- a) An admission by the participant of the misrepresentation;
- b) That the act was done repeatedly;
- c) If a false name or Social Security Number was used;
- d) If there were admissions to others of the illegal action or omission;

- e) That the participant omitted material facts which were Known to him/her (e.g, employment of self or other household member (s));
- f) That the participant falsified, forged or altered documents;
- g) That the participant uttered and certified to statements at a Interim reexamination which were later independently verified to be false.

4. Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, the City may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions.

(a) *Criminal prosecution*

If it has been established by the City criminal intent, and the case meets the criteria for prosecution, the City may:

**-Refer the case to the Puerto Rice Justice Department, notify HUD's Inspector General, refer the case the Municipal Legal Division for appropriate action and terminate rental assistance.**

(b) *Administrative Remedies:*

- Terminate assistance and demand payment of restitution in full.
- Terminate assistance and execute an administrative repayment agreement in accordance with the City's Repayment Policy.
- Terminate assistance and pursue restitution through civil litigation.

- Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the City's repayment policy.

5. The Case Conference

When the City has established that material misrepresentation(s) have occurred or wishes to clarify discrepancies, a Case Conference may be scheduled with the family representative, owner, or others (referred to as "involved parties") and the Municipal Staff who is/ are most knowledgeable about the circumstances.

The initial conference will take place prior to any proposed action by the City. The purpose of the conference is to review the information and evidence obtained by the City with the involved parties, and to provide them with an opportunity to explain any document findings. Any documents or mitigating circumstances presented will be taken into consideration by the City. The involved parties will be given up to 30 days to furnish any mitigating evidence.

A secondary purpose of the Case Conference with the family is to assist the City in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the City will consider:

1. The duration of the violation and number of false statements;
2. The involved parties' ability to understand the rules;
3. The involved parties' willingness to cooperate, and to accept responsibility for his/her actions;
4. The amount of money involved;
5. The involved parties' past history;
6. Whether or not criminal intent has been established.

6. Notification to Participant of Proposed Action

The City will notify the involved parties of the proposed action.



## CHAPTER 22

### MONITORING AND RECORD KEEPING

#### Introduction

The City of Guayama maintains complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. In addition, the City will furnish to HUD accounts and other records, reports, documents and other information as required by HUD. This chapter delineates the record keeping practices that are to be followed by the City in accordance with HUD requirements.

#### A. Monitoring Program Performance

The City will collect and analyze all data that will permit it to determine:

1. That at least 75 percent of families initially provided assistance in each fiscal year must have incomes no higher than 30 percent of median income for the PHA area is fulfilled.
2. Determine Reasonableness of Rents prior to signing a HAP contract.
3. That HAP's and utility payments are completed and made on schedule.
4. The Housing Quality Standards are met and are conducted in a timely manner as required by QHWRA.
5. That the income eligibility requirement under the QHWRA is fulfilled.
6. That families are neither discriminated against nor abused.
7. That outreach efforts to both, landlords and families, are adequate.

8. That the payment standard as established by the PHA is in compliance with QHWRA and is revised annually based on the needs of the participant family.
9. That reporting to MTCS is fully complied with and on time.
10. That the PHA annual plan is being adhered to as required under QHWRA.
11. Adequacy of allowance or utilities and revision of the same at least annually utilizing established procedures.
12. Performance under the program is in compliance with existing regulations.

Date for these will be available from the Permanent Records and Registers to be established, and from the accounting records, and inspection forms executed by both the Inspector and each family, as well as from the Director's involvement in the rental market within the City.

In order to better concentrate our efforts on any area where a problem may be encountered, we must have the necessary means so as to assign the main task to the Section 8 Program Director and complements it with municipal resources.

**B. Record keeping and Other Data**

As prescribed by HUD, the City maintains a program file on each participating family (active and terminated) that contains a complete and accurate account of the case history of the family. These family files are used to facilitate case management and program auditing.

The City maintains current family files for active participants that include permanent family and owner records, and three years of those records that are updated annually (i.e., current and two prior years). Annual records collected in the current family file document the activity of the family/owner and the accurate completion of interim and annual recertifications, support note, and evidence of family/owner non-compliance more than three years old. Upon recertification, the files shall be purged of correspondence and

notices that are no longer applicable because the reason for notice has been resolved. Note documentation that supports' family/owner non-compliance or other long-term agreements/conditions must be maintained in the file.

Below is Table I showing the contents of the Current Family File.

<b>TABLE I</b>		
<b>Current Family File</b>		
<i>Record Keeping &amp; Retention</i>		
<b>REQUIRED DOCUMENTS</b>	<b>Family(F)/ Owner (O)</b>	<b>Retention</b>
<b><i>Permanent Record:</i></b>	/ / / / / / / / / /	/ / / / / / / / / /
Family Photo	F	Permanent
Birth Certificates and Social Security Cards (all new members)*	F	Permanent
Preference Verification	F	Permanent
Determination of Family Eligibility	F	Permanent
Certification of Drug Free Household**	F	Permanent
Application	F	Permanent
Voucher	F	Permanent
Initial Request for Lease Authorization	F	Permanent
Initial Inspection	O	Permanent
Initial Rent Reasonableness Certification	O	Permanent
Proof of Ownership of Property	O	Permanent
Documents Required of Owner	O	Permanent
Family Affidavit	F	Permanent
Owner Fraud Certification	O	Permanent
Initial HAP Contract	O	Permanent
Initial Lease Agreement	O	Permanent

Release of Information Authorization Forms	F	Permanent
Family Statement of Obligations	F	Permanent
<i>Annual Records:</i>		
Recertification Application	F	3 Years
Income Documentation	F	3 Years
Income Verification Information provided by family	F	3 Years
Expense Verification Information provided by family	F	3 Years
Participate Data Summary(HUD-50058)	F	3 Years
Other Participant Information	F	3 Years
Latest Unit Inspection	O	3 Years
Other Documents relating to family as determined by the City of Guayama	F	3 Years

\*\*Including new members added in subsequent years

### C. Summary

In closing, the PHA has agreed that participation in the Housing Choice Voucher Program requires compliance with all HUD regulations and other HUD requirements. In the case where a particular work element was not touched upon, herein, the PHA has agreed to utilize existing or previously approved regulations to cover the same, in addition to complying with the consolidated ACC and the PHA's HUD approved applications for program funding. The following actions will be undertaken by the PHA ensure fulfillment of its responsibilities to HUD in administering its ACC as follows:

1. Newspaper and radio will be utilized to inform both families and owners of the availability and nature of housing assistance payments for extremely low and very low-income families. Written material will be prepared for orientation and included in what we have called a "Family Information Packet" as well as a "Homeowners Information Packet." In addition, the various proposed outreach efforts to be performed, have been discussed.

2. In order to fulfill our responsibility to receive and review the applications for Vouchers for eligible families, as well as to verify the income and other pertinent factors therein contained, we have also included the following action:
  - We have retained a consultant to train, coordinate and supervise the development and implementation of this same program on an ongoing basis. We are confident that with the basic organizational structure we have included herein, along with the ongoing supervision of our consultant, we will continue to both create and develop both a viable and effective program that will in fact be in compliance with existing regulations.
  - Whenever possible, members of the PHA staff will assist in seminars or conferences so as to learn the latest in the Housing industry and maintain the PHA update on the latest regulations enacted by HUD. This same PHA staff member will conduct in-house training for the rest of the PHA staff.
3. To meet our responsibilities regarding Issuance of Vouchers, we have contemplated the establishment of a Performance Record of Vouchers. This will permit the PHA to assure that the number of vouchers and/or funds assigned for Housing Assistance payments is not exceeded, and to that extent, that the 75 percent of families initially provided assistance in each fiscal year must have incomes no higher than 30 percent of median income.
4. In order to provide documented basis upon notification to ineligible families a file will be established which will contain the necessary application, the verifications and the reasons for the determination of ineligibility, as well as a copy of the notification to the applicant and any informal hearing or appeal material such as the signed interview forms we have implemented.
5. In order to meet our responsibility to provide each voucher holder with basic information on:

- a. Applicable Housing Quality Standards
- b. Inspection Procedures
- c. Search, selection and basic program rules

Our local housing staff will provide an application orientation, to all approved eligible families. Evidence to support that this was in fact followed, will be contained within each of the eligible family's file.

6. In order to meet our responsibility on the determination of the Tenant Rent, we rely heavily upon our trained housing staff. Computations should be supported by information of the applicant once it has been verified as well as analyzed within the appropriate computation form. Documents which gave basis to the amount of the Tenant Rent and other supporting documents will be included within each family's file. Also information on each family will be submitted to HUD via its MTCS system. This file will also validate that the computation was done according to established procedures.
7. In order to meet our responsibilities in determining Housing Assistance Payments as well as rent reasonableness, we will review the lease approval request, in order that the proposed rent does not exceed the established PHA Payment Standard. Proper credit for utilities will also be reviewed and then the amount for Housing Assistance Payments will be determined. Each file will be fully documented and the appropriate housing staff member will certify the rent reasonableness.
8. In order to meet our responsibilities in making prompt and accurate Housing Assistance Payments, a system will be established whereby we can assure ourselves that the funds are always available. This will constitute a coordinated effort between the City's Finance Department and Section 8 Office. The PHA staff will prepare a monthly payroll of the payments to be made based upon the existing contract with the owners. The record where vacancies and/ or intention to vacate are recorded will be checked to avoid improper payments. Negative rent to tenants where applicable are simultaneously processed. The Program Director will have a clear address or instructions from the landlords as to where the check is to be mailed or who is authorized

to pick it up. When picked up, a receipt should be requested from the person that receives it. Payments should be in the hands of landlords not later than the 1<sup>st</sup> day of every month. We are aware of the negative impact this could have in landlord participation on the program and, therefore, utmost care will be given to avoid delays. However, should a delay occur for an unforeseen motive, the owner will be notified and an explanation will be given.

9. In order to meet our responsibility in performing annual reexamination in a timely manner, a letter will be sent to the family within instructions. The Recertification form will be filled, verified and analyzed, and the new tenant rent will be determined at that time. The family and owner will be notified and once any appeal or objection has been clarified, the corresponding amendments to the lease and contract will be made. Supporting documents will be kept on file at all times. When a family requests a special reexamination due to the fact that they are seeking an interim adjustment because of a temporary situation such as unemployment which merits and adjustments in gross family contribution, the Program Director will request the necessary documents (such as layoff notice from the employer, determination of compensation from unemployment, etc.) and make the computations for the tenant rent. The decision will be made known to the family and landlord in writing and the PHA's accounting division notified for payments and budget review.
10. In order to meet our responsibilities with reporting family information electronically to MTCS as required by HUD, the PHA will ensure that its internet connect is working properly or will find the means to be able to transmit said information.
11. In order to meet the City's responsibilities with respect to inspections, the Section 8 Director will designate an Inspector in accordance with the program's financial resources. A record of inspections will be kept to assure all properties under contract have been inspected and that those, which required additional follow-up were reinspected and deficiencies corrected.

12. At the request of families, when situations so warrant, the Program Inspector may perform additional inspections or may schedule monitoring inspections. However, at least an annual inspection will be made to coincide with the annual reexaminations. Forms for these inspections and training on Housing Qualities Standards and Criteria will be among the tools given the Inspector.
13. In order to meet the City's responsibilities in eviction cases, we are assuming that both the reason and procedures for eviction are included in the leases. Requirements set forth in Federal Register 982.310 must be met. The City's legal counsel will be available for consultation to the Program Director, whenever necessary.
13. The City agrees to comply with Equal Opportunity Requirements by extending the present compliance commitments and norms to the programs being administered by the City of Guayama and the corresponding actions.

It should be noted, that the Section 8 Office within the City of Guayama will implement the necessary management systems and oversight controls, so as to assure, that the individual programs included within this same Plan are:

1. Completed within a timely manner in compliance with HUD's requirements;
2. That they are indeed in total compliance with existing federal and state applicable regulations.
3. Compliance with the Rental Housing Integrity Improvement Project (RHIP) as establish by HUD regulations and guidelines;
4. Compliance with the SEMAP Indicators.

Once a year a physical audit will be accomplished which will include not only the accountability of funds, but also an audit of the management system used to carry out the mandate of the Tenant-based Housing Program. This same in-depth review

will be on an on-going basis to determine the effectiveness of individual programs based upon such data as:

1. Families Assisted;
2. Subsidies granted; Complaints resolved;
3. Compliance with the Rental Housing Integrity Improvement Project (RHIIP) as established in HUD regulations so as to assure improving any and all deficiencies detected during the RIM Reviews and/or SEMAP Certification conducted by HUD or its designee;
4. The effectiveness of communication by and between the various Municipal, State and Federal Agencies as well as with citizens.

Additionally, reviews will also serve to identify implementation problems or non-compliance with goals and objectives of the Plan, and how the resources were used to assist the maximum number of beneficiaries.

The use of this same data will assist the Mayor, members of the Municipal Legislature, interested citizens of the community, participants of the Tenant-based Housing Assistance Program recommended changes within our strategy due to perhaps changes in the population characteristics and housing market within the City of Guayama.

In conclusion, the following areas will at a minimum, be reviewed in the monitoring process:

1. Cash/Management System;
2. Budget Controls;
3. Effective Internal Control System so as to reduce administrative errors;
4. Families serviced by income level (low, extremely low and moderate);

5. Compliance with HQS, Quality control and Targeting as set forth in HUD regulations;
6. Timely, accurate and complete information for management forecasting and policy decision making;
7. Preparing the necessary financial data to report to HUD; Staff resources and performance;

The City of Guayama feels rather strongly that procedures contained herein will effectively perform the necessary monitoring of the program so as to assure that the program both initiated and developed are in total compliance with the applicable regulations promulgated by HUD.

## GLOSSARY

### *Definition of Terms and Concepts*

In addition to the terms and concepts used in both the Voucher Program, the following terms, definitions and concepts also apply:

- A. **Admission** - the point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family in a tenant-based program.
- B. **Administrative Fee Reserve (formerly "Operating Reserve")** -It is an account established by the PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.
- C. **Applicant (applicant family)** -A family that has applied for admission to a program but is not yet a participant in the program.
- D. **Applicable Payment Standard** -The maximum subsidy payment for a family (before deducting the family contribution). The PHA sets a payment standard in the range from 90%-110% of the current FMR/ exception rent limit.
- E. **Budget authority** - an amount authorized and appropriated by the Congress for payment to the PHA' s under the program.
- F. **Contract Authority** -The maximum annual payment by HUD to a PHA for a funding increment.
- G. **Contiguous MSA** - in portability (under subpart H of this part 982) a MSA is one that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.
- H. **Exception Rent**- an amount that exceeds the published FMR.

- I. **Extremely low-income family** - a family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.
- J. **Full-time student** - a person who is attending school or vocational training on a full-time basis.
- K. **Family unit size** -the appropriate number of bedrooms for a family, as determined by due PHA under fue PHA subsidy standards.
- L. **Funding increments** -Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contracts for the PHA program.
- M. **Gross rent** - the sum ross rent -The sum of the rent to the owner plus any utility allowance.
- N. **HAP contract** -Housing assistance payments contract.
- O. **Housing assistance payment** -the monthly assistance payment by a PHA which includes:
  1. A payment to the owner for rent to the owner under the family' s lease;
  2. An additional payment to the family if the total assistance payment exceeds the rent to the owner.
- P. **Participant (participant family)** - a family that has been admitted to the PHA program is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family.
- Q. **Premises** - the building or complex in which the dwelling unit is located, including common areas and grounds.

- R. **Responsible entity** - for the public housing and Section 8 tenant- based assistance (part 982) means the PHA administering the program under an ACC with HUD.
- S. **Reasonable rent** -A rent to the owner that is not more than rent charged:
1. For comparable units in the private unassisted market; and
  2. For comparable unassisted units in the premises.
- T. **Rent to the owner** -The total monthly rent payable to the owner under the lease for the unit. Rent to the owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.
- U. **Rent Integrity Monitoring (RIM)** - reviews used by HUD to identify the root causes of income and rent determination deficiencies as well as developing corrective action plans to reduce the level of errors in subsidy calculations.
- V. **Rental Housing Integrity Improvement Project (RHIP)** - is a HUD initiative in response to deficiencies in public and assisted housing rental subsidy determinations identified through internal auditing of the PHA.
- W. **Special Admission** - Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.
- X. **Subsidy Standards** - standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidies for families of different sizes and compositions.
- Y. **Suspension** - stopping the clock on the term of a family's voucher for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request.
- Z. **Tenant** - the person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

- AA. **Tenant Rent** -the amount payable monthly by the family as rent to the unit owner.
- AB. **The Housing Choice Voucher Program** - the rental voucher program and is representative of the merger of the old Voucher Program with the Certificate Program under the Quality Housing & Work Responsibility Act of 1998.
- AC. **Very low-income family** - a family whose income does not exceed 50 percent of the Median Income for the area, as determined by HUD.
- AD. **Violent criminal activity** -Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.
- AE. **Voucher (rental voucher)** - a document issued by the PHA to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for the PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.
- AF. **Waiting List Admission** -An admission from the PHA waiting list.

**CITY OF GUAYAMA**

**RQ-017**



***Attachment A***



***"HOJA DE COTEJO"***



**Estado Libre Asociado de Puerto Rico**  
**GOBIERNO MUNICIPAL DE GUAYAMA**  
**PROGRAMA DE SUBSIDIO DE VIVIENDA**  
**Sección 8**

**DOCUMENTOS REQUERIDOS PARA PARTICIPACIÓN**

Nombre del Solicitante: \_\_\_\_\_

SELECCIÓN DE DOCUMENTO	NÚMERO	TÍTULO DE DOCUMENTO	RECIBIDO SI/NO
	1	Certificado de matrimonio original y copia	
	2	Sentencia de divorcio (original y copia)	
	3	Certificado de función (original y copia)	
	4	Acta de nacimiento de todos los miembros de la familia	
	5	Tarjeta de residente en caso de ser extranjero	
	6	Certificado de buena conducta de la policía de los miembros de la familia mayor de 18 años (original)	
	7	Una foto familiar	
	8	Tres (3) cartas de referencia personal con dirección y teléfono	
	9	Carta de no tener crédito por pagar todo en efectivo	
	10	Carta del arrendador con dirección y teléfono	
	11	Carta de vivir agregado con dirección y teléfono	
	12	Orden de desahucio por autoridad correspondiente	
	13	Verificación de estudio de los estudiantes, firmado por el funcionario autorizado de la escuela con sello oficial, dirección y teléfono de la misma. Si estudia en la universidad el desglose de la beca.	
	14	Certificación del patrono y talonario de cheque	

	15	Carta de cesantía	
	16	Certificación de ingreso de trabajo por cuenta propia	
	17	Certificación de ingreso por ayuda familiar	
	18	Verificación de desempleo y si no es beneficiario del desempleo, la forma 651 y W-5 del Departamento del Trabajo en Caguas	
	19	Certificación del Seguro Social (No copia del Cheque)	
	20	Certificación de Pensión Alimenticia por corte o carta del padre de los niños con dirección y teléfono	
	21	Ayudas económicas adicionales ( <input type="checkbox"/> Bienestar Público; <input type="checkbox"/> Cupones; <input type="checkbox"/> Retiro; <input type="checkbox"/> Fondo del Seguro del Estado; <input type="checkbox"/> Otros _____ )	
	22	Declaración jurada que indique estatus civil, composición familiar, ingresos, si posee o no propiedades y activos (ahorros en el banco que generen intereses). Si aplica, - no posee crédito por pagar todo en efectivo.	
	23	Custodia legal por corte de menores adicionales de los hijos familiares	
	24	Certificación de cuidado de niños con dirección y teléfono	
	25	Certificación de gastos médicos ( <input type="checkbox"/> Farmacia y <input type="checkbox"/> Médico )	
	25	Tarjeta de Seguro Social (Original y copia)	
	26	Cualquier documento requerido por la agencia: _____ _____ _____	

**FECHA LÍMITE PARA ENTREGAR DOCUMENTOS:** \_\_\_\_\_

Nota: de no entregar los documentos solicitados para la fecha antes indicada, procederemos a cerrar su caso! Firma del solicitante constituye aceptación de lo antes expuesto.

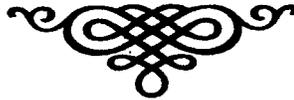
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Firma del solicitante

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Fecha

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Firma del entrevistador

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Fecha

**CITY OF GUAYAMA**  
**RQ-017**



***Attachment B***



***Verification Table***



**Estado Libre Asociado de Puerto Rico**  
**GOBIERNO MUNICIPAL DE GUAYAMA**  
**PROGRAMA DE SUBSIDIO DE VIVIENDA**

**Requisitos para verificar la veracidad de información suministrada**

Recursos Aceptables		Información que tiene obtenida/puntos para verificar
Factores a ser verificados		
	Verificación de 3era Persona	Auto Declaración
	Documentos Provistos por la familia participante	Auto Declaración
	Verificación de 3era Persona	Auto Declaración
	Escrito	Auto Declaración
	Oral	Auto Declaración
1. Empleo/Ingresos	<p>Formulario de verificación provisto por la Agencia con la cláusula de autorización firmada por la familia autorizando al Patrono a suministrar dicha información.</p> <p>Salario/Sueldo - llamada o visita personal al patrono para verificar la veracidad de la información especificando la cantidad pagada por período y tiempo del período de pago. Archivar documento de verificación en el expediente de la familia.</p>	<p>Declaración jurada notarizada aque describa la cantidad de ingresos y procedencia.</p>
	<p>1. Comprobante de Retención de la familia. Este requisito es aplicable solamente a las familias donde el patrono sea el mismo por un período de dos años o más y se pueden proyectar aumentos en el sueldo, talonario del cheque o estado de ingresos.</p> <p>2. Talonario de ingresos o estado de ingresos.</p>	<p>1. Frecuencia del Pago (ej. Bi-mensual, semanal, mensual o quincenal).</p> <p>2. Aumentos anticipados y las fechas de efectividad de los mismos.</p> <p>3. Requiere los últimos talonarios del cheque, de 6 a 8 por lo menos. No se puede utilizar el cheque sin su talonario.</p>

**Requisitos para verificar la veracidad de información suministrada**

Factores a ser verificados	Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
	Verificación de 3era Persona	Documentos Provistos por la familia participantes	Auto Declaración	
	<b>Escrito</b>	<b>Oral</b>		

2. Empleo por cuenta propia, propinas, "gratuitos," etc.	N/A	N/A	<p>Planilla que demuestre la cantidad de ingresos al igual que el período.</p> <p>Nota: Será un requisito para el Municipio de Guayama que le solicite copia de la planilla de los últimos tres años, estado financiero o Certificación de Hacienda que ha rendido sus planillas o una combinación de las anteriores.</p>	<p>Declaración, Jurada notariada que demuestre cantidad ganada y el período que el mismo cubre.</p> <p>Requisitos:</p> <ol style="list-style-type: none"> <li>1. Copia de las planillas reflejando los últimos tres años;</li> <li>2. Certificación de Hacienda de estar rindiendo sus planillas en conjunto con un estado financiero.</li> </ol>
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**Requisitos para verificar la veracidad de información suministrada**

**Recursos Aceptables**

Factores a ser verificados	Verificación de 3era Persona		Información que tiene que ser obtenida/puntos para verificar
	Escrito	Oral	
	Documentos Provistos por la familia participantes	Auto Declaración	

<p>3. Ingresos debido a pagos de mantenimiento, beneficios, ingresos devengados que no sean un sueldo (Ej. "Welfare," Seguro Social, Ingreso Suplemental de Seguro [SSI], Pensiones, Ingresos debido a incapacidad).</p>	<p>1. Notificación del beneficio indicando la cantidad y firmado por la Agencia autorizando el mismo.</p> <p>2. Un desglose de las cantidades de los beneficios generada por la Agencia debido a un acuerdo computadorizado entre la Agencia de Bienestar y la Agencia de Vivienda.</p>	<p>La verificación se llevará a cabo vía telefónica o personalmente obteniendo la información sobre ingresos y dicho documento se archivará en el expediente de la familia por la Agencia de Vivienda.</p> <p>Nota: Para la verificación oral, se debe documentar todo relacionado con la verificación, hora, fecha de contacto y el nombre de la persona que brindó la información al igual que la firma de la persona haciendo la verificación.</p>	<p>1. Copia del cheque reciente con la fecha, cantidad y número, archivada por la Agencia de Vivienda.</p> <p>2. Notificación de la cantidad otorgada.</p> <p>3. Copia de las hojas de depósitos con la identificación del banco.</p> <p>4. Un estado reciente de las pensiones recibidas trimestralmente.</p>	<p>N/A</p>	<p>1. Las copias de los cheques y las certificaciones del banco, cuando el participante tiene depósito directo, no reflejan la cantidad bruta recibida del beneficio de Seguro Social debido a deducciones hechas por el Seguro de Medicare. Confirme la cantidad pagada de Medicare con la Administración del Seguro Social.</p> <p>2. Si la oficina local de la Administración del Seguro Social rehusa proveer información para llevar a cabo la verificación, se puede aceptar copia del cheque o certificación del banco temporaneamente. No obstante, la Administración de Vivienda debe notificar a la oficina local de HUD sobre esta situación.</p> <p>3. Copia de los cheques emitidos</p>
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**Requisitos para verificar la veracidad de información suministrada**

Factores a ser verificados		Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
Verificación de 3era Persona		Documentos Provistos por la familia participantes	Auto Declaración		
Escrito		Oral			
4. Pagos de Bienestar "Welfare" (Sólo aplica según pagado por los estados).	<p>1. Formulario de verificación completado por el Departamento de Bienestar Público indicando el monto máximo que la familia es elegible.</p> <p>2. El máximo permitido por la composición familiar de acuerdo con la tabla de reducción.</p>	El máximo permitido por la tabla establecido para una familia ubicada en un albergue.	N/A	La cantidad actual de beneficios recibidos no es evidencia como ingreso en "As paid" o como pagado en estados o localidades ya que el ingreso se define como la cantidad máxima del albergue.	
5. Beneficios de Desempleo	Formulario de Verificación suministrado por la Agencia de Vivienda y firmado con la información pertinente por la Agencia correspondiente como lo es el Departamento del Trabajo del E.L.A. de P.R.	<p>1. Copia de cheque o registro (récord) provisto por la familia que indique el monto total de pago y fecha.</p> <p>2. Copia de la notificación indicando el beneficio a recibir y que el mismo esté firmado por el Departamento del Trabajo.</p>	N/A	<p>1. Se debe verificar la frecuencia de los pagos y el tiempo en el cual se estará recibiendo dicho pago.</p> <p>2. Aunque el beneficio no está estipulado por año, el cómputo tiene que ser anual y se debe llevar a cabo una recertificación tan pronto el beneficio termine.</p>	

## Requisitos para verificar la veracidad de información suministrada

### Recursos Aceptables

Factores a ser verificados	Verificación de 3era Persona			Auto Declaración	Información que tiene que ser obtenida/puntos para verificar
	Escrito	Oral	Documentos Provistos por la familia participantes		
6. Pensión o Pensión Alimenticia	<p>Copia de la sentencia de divorcio o separación provista por el ex-cónyuge o tribunal indicando el tipo de pensión fijada, la cantidad y el plan de pago (frecuencia).</p> <p>Certificación escrita por el cónyuge o de donde provienen los ingresos indicando lo anterior. Esto se puede recibir de ASUME en el caso de Puerto Rico.</p> <p>De ser aplicable, una certificación del abogado, tribunal o Agencia, indicando que los pagos no se están efectuando.</p>	<p>Contacto telefónico o Declaración Jurada del ex-cónyuge o certificación de la Agencia a cargo de los pagos, ej. ASUME. Dicha documentación tiene que ser archivada en el expediente de la familia participante. - Copia del cheque más reciente indicando la fecha, monto total a recibir y el número de cheque.</p> <p>Notificaciones recientes del Tribunal o la Agencia pertinente como lo es ASUME.</p>	<p>De ser aplicable una Declaración Jurada de la familia indicando que no está recibiendo ningún tipo de ingreso. Las cantidades asignadas sólo se pueden excluir cuando la familia demuestre que haya agotado todos los recursos disponibles o una certificación de ASUME que indique que la familia no está recibiendo nada por concepto de pensión alimenticia.</p>	N/A	N/A
7. Contribuciones recurrentes y regalias	<p>Una Declaración Jurada firmada por la persona proveyendo la asistencia indicando el propósito, fecha y valor del regalo.</p>	<p>La verificación de dicha documentación se debe llevar a cabo por un funcionario de la Agencia de Vivienda en persona o por vía telefónica y dicha certificación debe ser archivada en el expediente de la familia participante.</p>	N/A	<p>Una Declaración Jurada firmada por la familia participante indicando el propósito, fecha y valor del regalo.</p>	<p>Contribuciones o regalos otorgados esporádicamente no cuentan como ingreso.</p>

**Requisitos para verificar la veracidad de información suministrada**

Factores a ser verificados	Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
	Verificación de 3era Persona	Documentos Provistos por la familia participantes	Auto Declaración	
	<b>Escrito</b>	<b>Oral</b>		

8. Ingreso neto de un negocio.	N/A	N/A	<p>1. Planilla sobre contribuciones con sus respectivos anejos.</p> <p>2. Un estado financiero del negocio (puede ser auditado o no) incluyendo el cálculo de depreciación "straightline" acelerado (es utilizado para rendir la planilla o estado financiero).</p> <p>3. Cualquier solicitud de préstamo indicando los ingresos devengados en los últimos doce meses.</p> <p>4. Si el negocio es arrendado, copias de los cheques cancelados indicando el pago de alquiler o la planilla sobre contribuciones.</p>	N/A
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**Requisitos para verificar la veracidad de información suministrada**

**Recursos Aceptables**

**Factores a ser verificados**

**Información que tiene que ser obtenida/puntos para verificar**

**Verificación de 3era Persona**

**Documentos Provistos por la familia participantes**

**Auto Declaración**

**Escrito**

**Oral**

9. Ingresos recibidos debido a dividendos pagados o por concepto de intereses de la cuenta bancaria.

Formulario de verificación firmado por la institución bancaria con la autorización para liberar información firmada por la familia.

La verificación se debe llevar a cabo por un funcionario de la Agencia de Vivienda vía telefónica o en persona. Dicha verificación debe ser archivada en el expediente de la familia.

1. Copia de los estados de cuentas de ahorros o certificados de depósitos, si demuestran la información necesaria como la tasa de interés actual.

2. Copia del comprobante de retención de la institución bancaria y verificación de los ingresos esperados a recibir dentro de los próximos doce meses.

3. Estados trimestrales que demuestren el valor de los activos o bonos al igual que los ingresos devengados de estos activos y acreditados a la cuenta de la familia participante. Dicho estado de cuenta es emitido por los corredores de valores.

Verificar la tasa de interés al igual que el valor del activo.

N/A

**Requisitos para verificar la veracidad de información suministrada**

Factores a ser verificados		Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
Verificación de 3era Persona		Documentos	Auto Declaración		
		Provistos por la familia participantes			
Escrito		Oral			

10. Ingresos devengados por concepto de venta de bienes raíces como los on el contrato de compra-venta y título de propiedad.	El formulario de verificación debe ser completado por el contador, abogado, el agente de bienes raíces, el comprador o institución financiera que tenga la tabla de amortización de donde se puede obtener información sobre los ingresos por los próximos doce meses debido a intereses.	La verificación se debe hacer a través de un funcionario de la Agencia de Vivienda con el recurso correspondiente y al misma debe ser archivada en el expediente de la familia.	1. Copia de la tabla de amortización que contenga suficiente información para la Agencia de Vivienda. De esta forma la Agencia puede determinar el monto total de interés que serán devengados.  Nota: Copia del cheque pagado por parte del comprador de la familia <u>no</u> es aceptable.	N/A	1. Sólo se contarán los ingresos devengados por concepto de interés. El balance del pago que es aplicable al principal es sólo para liquidar la deuda.  2. Es responsabilidad de la Agencia de Vivienda recopilar suficiente información para poder computar los ingresos por concepto de intereses por los próximos doce meses.
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## Requisitos para verificar la veracidad de información suministrada

### Recursos Aceptables

**Factores a ser verificados**

Factores a ser verificados	Verificación de 3era Persona	Documentos Provistos por la familia participantes	Auto Declaración	Información que tiene que ser obtenida/puntos para verificar
	<b>Escrito</b>			
	<b>Oral</b>			
<p>11. Activos corriente neto de la familia.</p>	<p>Formulario de Verificación, cartas o documentos debidamente firmados y recibido de instituciones financieras, corredores de bienes raíces, agente de bienes raíces, o patronos indicando el valor actual de los activos o penalidades y costos razonables incurridos para convertir activos no líquidos en efectivo.</p>	<p>1. Estado de cuenta de ahorro o corriente, certificado de depósito, tazación de la propiedad, documentos sobre los activos o bonos, o cualquier otro estado financiero provisto por la institución financiera.</p> <p>2. Copia del estado que indique la contribución sobre la propiedad siempre y cuando la autoridad utiliza el valor del mercado aproximado.</p> <p>3. Cotización de un abogado, banquero, agente de bienes raíces, verificando penalidades más el costo razonable por convertir activos en efectivo.</p> <p>3. Copia de los documentos relacionados con el cierre de bienes raíces que indiquen el desglose de los costos incurridos al igual que el de la ganancia de la venta.</p>	<p>Un estado o declaración jurada notariada indicando el valor en efectivo del activo o verificando el efectivo que la familia tenga en la casa o en una caja fuerte.</p>	<p>1. Utilice el balance actual de la cuenta de ahorros o prometido mensual del balance de la cuenta corriente de los últimos seis meses.</p> <p>2. Utilice el valor en efectivo de todos los activos. El monto neto a recibir por la familia de convertirse el activo en efectivo.</p> <p>Nota: Esta información usualmente se puede obtener cuando se esté verificando los ingresos de activos o empleo, como lo es el valor de la pensión.</p>

**Requisitos para verificar la veracidad de información suministrada**

Factores a ser verificados...	Recursos Aceptables		Información que tiene que ser obtenida/puntos para verificar
	Verificación de 3era Persona	Auto Declaración	
	Documentos Provistos por la familia participantes		
	<b>Escrito</b>	<b>Oral</b>	
12. Activos vendidos por un precio menor que el valor o tasación del mercado.	N/A	N/A	<p>Sólo se contarán los activos vendidos durante los últimos dos años antes de que se efectúe la certificación o recertificación de la familia.</p> <p>Una certificación firmada por la familia indicando que ningún miembro de la familia ha vendido un activo por menos del valor en el mercado durante los últimos dos años.</p> <p>De ser aplicable, una certificación firmada por la familia indicando lo siguiente:</p> <ul style="list-style-type: none"> <li>- el tipo de activo que fue vendido;</li> <li>- fecha en que fue vendido;</li> <li>- la cantidad recibida</li> <li>- el valor en el mercado en el momento del venta.</li> </ul>
13. Composición Familiar	N/A	N/A	<p>Certificación de Hacienda o copia de planillas rendidas, certificación de estatus de estudiante de la escuela pertinente, acta de matrimonio o defunción, certificado de nacimiento, certificación de la Administración de Veteranos, certificación de pagos de apoyo.</p> <p>N/A</p> <p>N/A</p>

## Requisitos para verificar la veracidad de información suministrada

### Recursos Aceptables

Factores a ser verificados	Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
	Verificación de 3era Persona	Documentos Provistos por la familia participantes	Auto Declaración	
	Escrito	Oral		
<p>14. Tipo de Familia (Información verificada sólo para determinar la elegibilidad de la familia al igual que las preferencias locales aplicables y créditos permitidos).</p>	<p>Estatus de incapacidad: una certificación médica u otro recurso confiable, sólo si la notificación documentando el estatus de la familia con los beneficios no se recibe.</p> <p>Estatus de desplazamiento: Una certificación o notificación por escrito de desplazamiento emitida por la Agencia gubernamental pertinente.</p>	<p>Verificación se debe llevar a cabo por un funcionario de la Agencia de Vivienda vía telefónica o en persona. Dicha verificación debe ser archivada en el expediente de la familia.</p>	<p>Estatus de persona mayor de edad o envejeciente: (De existir una duda razonable sobre la edad de una persona reclamando la edad de 62 años): se aclara con el certificado de nacimiento, fé de bautismo, certificación del seguro social, licencia de conducir, records del censo, un record oficial del nacimiento o cualquier documento oficial que certifique la edad de la persona emitida por la Agencia gubernamental pertinente o notificación oficial de la Administración de Seguro Social indicando la edad de la persona con los beneficios.</p> <p>Incapacidad o ciego: evidencia o notificación indicando que tiene derecho a recibir beneficios de SSI o por incapacidad.</p>	<p>A menos que la familia solicitante reciba ingresos por concepto de su estatus de incapacidad o envejeciente, es un requisito verificar dicha condición.</p> <p>El estatus de incapacidad de un miembro de la familia tiene que ser verificado para que la familia tenga derecho a recibir el crédito de deducción por concepto de dependiente de \$480 al igual que el crédito por gastos debido a la incapacidad de la persona por quien se está reclamando dicho crédito.</p>

Requisitos para verificar la veracidad de información suministrada				
Factores a ser verificados	Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
	Verificación de 3era Persona	Documentos Provistos por la familia participantes	Auto Declaración	
	<b>Escrito</b>	<b>Oral</b>		
15. Gastos Médicos	<p>Certificación médica, hospital, clínica, dentista, o del farmacéutico, indicando el estimado de gastos médicos incurrido o pagado regularmente debido a una deuda no cubierta por el plan de seguro.</p>	<p>La verificación se debe llevar a cabo por un funcionario de la Agencia de Vivienda vía telefónica o en persona. Dicha verificación debe ser archivada en el expediente de la familia.</p>	<p>Una declaración jurada notarizada de los gastos de transportación relacionados directamente con los gastos médicos de no existir ninguna otra documentación.</p>	<p>Gastos médicos no son permitidos como una deducción a menos que el jefe o su conyuge no sea mayor de edad, envejeciente o un miembro de la familia está incapacitado. Dicho estatus tiene que ser verificado.</p>
		<p>1. Copia de cheques cancelados donde se pueda verificar los pagos hechos debido a una deuda que se haya incurrido o que continuará parcial o totalmente en los próximos doce meses.</p> <p>2. Copia de las planillas donde se desglose los gastos médicos cuando se espere que la familia no tenga cambio en los próximos doce meses.</p> <p>3. Recibos, cheques cancelados, talonarios, que indique el gasto por seguro médico o pagos a una persona atendiendo un enfermo.</p> <p>4. Recibos o talonarios donde se puede verificar los gastos de transportación directamente relacionados con gastos médicos.</p>		

**Requisitos para verificar la veracidad de información suministrada**

**Recursos Aceptables**

Factores a ser verificados	Verificación de 3era Persona			Auto Declaración	Información que tiene que ser obtenida/puntos para verificar
	Escrito	Oral	Documentos Provistos por la familia participantes		
16. Pago para el cuidado de un persona incapacitada	<p>Una certificación escrita de la persona cuidando a la persona incapacitada indicando la cantidad recibida, la frecuencia de los pagos y las horas de cuidado.</p> <p>Una certificación escrita por parte del médico o agencia rehabilitadora indicando que es necesario que para que el jefe o su cónyuge puedan trabajar, es indispensable que alguien esté a cargo del cuidado de la persona incapacitada.</p>	<p>La verificación se deberá llevar a cabo por un funcionario de la Agencia de Vivienda vía teléfono o en persona. Dicha verificación debe ser archivada en el expediente de la familia.</p>	<p>Copias de recibos o cheques cancelados indicando la cantidad pagada y la frecuencia de los pagos.</p>	<p>Una declaración jurada notariada indicando y afirmando las cantidades pagadas.</p>	<p>La Agencia de Vivienda tiene que determinar si los gastos son médicos o de asistencia debido a la incapacidad de la persona.</p>

**Requisitos para verificar la veracidad de información suministrada**

Factores a ser verificados		Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
	Verificación de 3era Persona	Documentos Provistos por la familia participantes	Auto Declaración		
	<b>Escrito</b>	<b>Oral</b>			
17. Aparatos Auxiliares	<p>Una certificación escrita que sea verificable indicando el costo y el propósito del aparato.</p> <p>Una certificación escrita del médico o de la agencia a cargo de la rehabilitación que el uso del aparato es necesario para el empleo de cualquier miembro de la familia.</p> <p>En el caso que la persona incapacitada esté empleada, una certificación que el uso del aparato es necesario para que la persona pueda trabajar.</p>	<p>Copia de los recibos o evidencia indicando los pagos hechos periódicamente para el aparato.</p>	N/A	<p>La Agencia de Vivienda tiene que determinar si los gastos son médicos o de asistencia debido a la incapacidad de la persona.</p>	

**Requisitos para verificar la veracidad de información suministrada**

**Recursos Aceptables**

Factores a ser verificados	Verificación de 3era Persona			Auto Declaración	Información que tiene que ser obtenida/puntos para verificar
	Escrito	Oral	Documentos Provistos por la familia participantes		
18. Gastos por cuidado de niño	Una certificación escrita de la persona proveyendo el cuidado de niños indicando la cantidad del pago, horas de cuidado, nombre de(l) (los) niño(s), frecuencia del pago, y si el cuidado es necesario para que la familia pueda trabajar.	La verificación se debe llevar a cabo por un funcionario de la Agencia de Vivienda vía teléfono o en persona. Dicha verificación debe ser archivada en el expediente de la familia.	Copia de recibos o cheques cancelados indicando los pagos.	N/A	<ol style="list-style-type: none"> <li>Sólo se permitirá el crédito por el cuidado de niños menores de doce (12) años.</li> <li>Cuando la misma persona cuida a los menores al igual que a la persona incapacitada, la Agencia de Vivienda tiene que prorratear dicho pago debidamente.</li> <li>La Agencia de Vivienda debe mantener en mente que los pagos de cuidado de niños son más altos durante el período de verano o durante la época navideña.</li> <li>La Agencia de Vivienda tiene que determinar a quien se le va adjudicar el crédito por concepto de cuidado de niños para así permitir que pueda trabajar.</li> </ol>

**Requisitos para verificar la veracidad de información suministrada**

Factores a ser verificados	Recursos Aceptables			Información que tiene que ser obtenida/puntos para verificar
	Verificación de 3era Persona	Documentos Provistos por la familia participantes	Auto Declaración	
	<b>Escrito</b>	<b>Oral</b>		

19. Estatus de estudiante a tiempo completo de un miembro de familia mayor de 18 años excluyendo al jefe de familia, su cónyuge o niños con custodia temporera.	Certificación de la Institución sobre la matrícula efectuada o admisiones, decano o de la oficina de Administración de Veteranos.	La verificación se debe llevar a cabo por un funcionario de la Agencia de Vivienda vía telefónica o en persona. Dicha verificación debe ser archivada en el expediente de la familia.	Certificación de la institución que la matrícula fue pagada al igual que si la persona atiende la institución a tiempo completo.	N/A	5. Gastos de cuidado tienen que ser prorrateados entre el empleo y estudios si el jefe de familia se encuentra trabajando y/o estudiando.  6. Gastos tienen que ser razonables.
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**CITY OF GUAYAMA**

**RQ-017**



***Attachment C***



***Third-Party Verification***





Estado Libre Asociado de Puerto Rico  
**Municipio de Guayama**  
Programa de Subsidio de Vivienda

***Third-Party Verification***

Familia Participante: \_\_\_\_\_ Número de Vale: \_\_\_\_\_

E. Información de la Familia:

Nombre del Miembro de la familia que trabaja: \_\_\_\_\_  
Posición que ocupa: \_\_\_\_\_  
Tiempo en el Compañía: \_\_\_\_\_  
Cuentas horas trabaja: \_\_\_\_\_  
Sueldo devengado: \_\_\_\_\_

¿La empresa otorga bono? Si  No

Si la respuesta es en los afirmativo, favor de indicar cuanto es el bono recibido: \$ \_\_\_\_\_

El empleado trabaja o es considerado por la empresa como:  
(favor de marcar uno)

Temporero       Parcial       Permanente

6. Información de la Empresa:

Nombre de la Compañía: \_\_\_\_\_  
Persona Autorizada: \_\_\_\_\_  
Puesto: \_\_\_\_\_  
Teléfono: \_\_\_\_\_

III Contacto con la empresa:

Fecha de 1er intento: \_\_\_\_\_ Hora: \_\_\_\_\_  
Fecha de 2do intento: \_\_\_\_\_ Hora: \_\_\_\_\_  
Fecha de 3er intento: \_\_\_\_\_ Hora: \_\_\_\_\_

Otros comentarios:

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Nombre del Funcionario del Municipio: \_\_\_\_\_  
Firma del Funcionario: \_\_\_\_\_  
Fecha: \_\_\_\_\_

**CITY OF GUAYAMA**

**RQ-017**



***Attachment D***



***Determination of Eligibility  
& Certification Form***





Estado Libre Asociado de Puerto Rico  
**Municipio de Guayama**  
Programa de Subsidio de Vivienda

## Solicitud de Elegibilidad y Certificación de la Familia

Parte I - INFORMACIÓN SOBRE LA FAMILIA					
Nombre del Solicitante:			Núm. de Seguro Social:		
Dirección Postal:					
Pueblo/Ciudad:			Estado:		
Dirección Física:					
Pueblo/Ciudad:			Estado:		
Teléfono Residencial:			Teléfono oficina o un familiar:		
Nombre del padre del solicitante:					
Nombre de la madre del solicitante:					
<b>COMPOSICIÓN FAMILIAR (Indique todos los que residen en la vivienda, identifique los estudiantes a tiempo completo)</b>					
DEPENDIENTES					
Núm. miembros en la familia	Nombre	Edad	Sexo	Relación	Ocupación
1					
2					
3					
4					
6					
7					
Use lista adicional de ser necesario					

## Parte II - VIVIENDA

Número de personas en la vivienda:  
\_\_\_\_\_

Cuánto se paga de renta:\$

Número de personas que residen en la vivienda actualmente:

Si no pagas favor de explicar:

- |                          |                           |
|--------------------------|---------------------------|
| <input type="checkbox"/> | a. Existe hacinamiento    |
| <input type="checkbox"/> | b. No existe hacinamiento |

¿Van ha ser desauciados?                      Si     No

Si marcó en la afirmativa, favor de explicar situación:

## Parte III - Ingresos

### Gastos de la Familia

1	<input type="checkbox"/>	Electricidad	\$		Mensual / Bimensual
2	<input type="checkbox"/>	Agua	\$		Mensual / Bimensual
3	<input type="checkbox"/>	Gas	\$		Mensual / Bimensual
4	<input type="checkbox"/>	Cuidado de niños	\$		Mensual / Bimensual
5	<input type="checkbox"/>	Otros:	\$		Mensual / Bimensual

Número	Fuente de Ingresos	Cantidad Anual	
		Actual	Anticipada
1			
2			
3			
4			

Use lista adicional de ser necesario

### Activos

Miembros de la Familia	Descripción	Cantidad

Use lista adicional de ser necesario

Gastos médicos (sólo si el jefe de la familia o cónyuge es incapacitado o mayor de 62 años)			
Miembro de la familia	Descripción	Médicos	Extraordinarios
1			
2			
3			
4			

Use lista adicional de ser necesario

<b>Parte IV - Certificación de Elegibilidad</b>	
<b>1</b>	<b>Ingreso Anual</b> (incluye todo ingreso excepto Pan o trabajo pagado con fondos JTPA) <span style="float: right;">\$ _____</span>
<b>2</b>	<b>Crédito a aplicar sólo si las siguientes condiciones están presentes:</b>
	<b>A. Familia tiene menores y el jefe o cónyuge no es mayor de edad o incapacitado</b>
	1. Crédito por cuidado de niños menores de 15 años (cuando el jefe o ambos trabajan) <span style="float: right;">\$ _____</span>
	2. Multiplique la cantidad de \$480 por el número de dependientes incluyendo dependientes incapacitados pero no el jefe de familia ni cónyuge <span style="float: right;">\$ _____</span>
	3. Total de crédito aplicable (suma de 1 + 2) <span style="float: right;">\$ _____</span>
	<b>B. Jefe o cónyuge es mayor de 62 años o esta incapacitado:</b>
	1. 3% del ingreso anual <span style="float: right;">\$ _____</span>
	2. Gastos médicos permitidos:
	a. Si el 3% es mayor del total de gastos médicos, anote la cantidad aquí <span style="float: right;">\$ _____</span>
	b. De lo contrario anote el total de gastos médicos menos el 3% del ingreso anual <span style="float: right;">\$ _____</span>
	3. Anote el crédito de \$400 por ser el jefe de familia o cónyuge mayor de 62 años, incapacitado <span style="float: right;">\$ _____</span>
	4. Anote el total de crédito aplicable en esta sección (suma de 2a ó 2b + 3) <span style="float: right;">\$ _____</span>
<b>3.</b>	<b>Total de créditos aplicables</b> <span style="float: right;">\$ _____</span>
<b>4.</b>	<b>Sueldo Ajustado Anual</b> (1 menos 3) <span style="float: right;">\$ _____</span>