

PHA 5-Year and Annual Plan

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

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

1.0	PHA Information PHA Name: <u>MUNICIPALITY OF TOA BAJA</u> PHA Code: <u>RQ022</u> PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input checked="" type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2010</u>				
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: <u>244</u>				
3.0	Submission Type <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
4.0	PHA Consortia <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
	PHA 1:				PH HCV
	PHA 2:				
	PHA 3:				
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.				
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.				
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. <p>PHA Goal #1- Expand the supply of assisted housing Specific Objectives:</p> <ul style="list-style-type: none"> • Apply for additional voucher when available • 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 <p>PHA Goal #2- Improve the quality of assisted housing Specific Objectives:</p> <ul style="list-style-type: none"> • Improve voucher management to increase SEMAP scores • Increase customer satisfaction by enforcing the Housing Quality Standards • Concentrate on efforts to improve specific management functions by maintaining the PHA staff updated with policies and occupational trainings <p>PHA Goal #3- Increase assisted housing choices Specific Objectives:</p> <ul style="list-style-type: none"> • Provide voucher mobility counseling during the initial briefings and as required, tenants will be oriented about portability and mobility • Conduct outreach efforts to potential voucher landlords • When necessary increase voucher payment standards <p>PHA Goal #4- Promote self-sufficiency and asset development of families and individuals Specific Objectives:</p> <ul style="list-style-type: none"> • Provide or attract supportive services to improve assistance recipients' employability • Make alliances with public (WIA) and private organizations to provide supportive educational services to tenants • The PHA is planning to administer the Homeownership Option for the Section 8 Program's participants <p>PHA Goal #5- Ensure Equal Opportunity in Housing Specific Objectives:</p> <ul style="list-style-type: none"> • Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability including publishing notices indicating that housing vouchers are available regardless of race, color, religion, national origin, sex, familial status, and disability. • Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability by offering referrals and briefings regarding housing and job opportunities and providing briefings and handouts regarding Fair Housing and Equal Opportunity 				

	<p>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:</p> <ul style="list-style-type: none"> • The Municipality of Toa Baja 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. • In the initial briefings and as required, tenants are oriented about the mobility and portability options of the voucher program. • Landlords are oriented about the section 8 program requirements and enrollment requirements • Maintain rent payments at an affordable level • Prospective landlords were oriented about the section 8 program requirements. • Newspapers ad and flyers were posted to outreach potential landlords. • Payment standards were revised • Minimum rent and the admission preferences were revised • The staff assisted to seminars offered by HUD, OCAM (Office of the Commissioner for Municipal Affairs), the P.R. Health and Environmental Department, and by private resources. This includes HQS training, Lead-Based Paint training, and HPRP, among other. • Acquiring equipment and two cars (in years 2002 and 2003) to enhance the service offered by the Housing Staff. • The Municipality endorses an Elderly Center. • Tenants were oriented about job training and placement opportunities in the municipality and referrals were made to designated agencies • Supportive services are offered through out the Department for Social Development, Community and Woman Affairs (Departamento de Desarrollo Social, Comunal y Asuntos de La Mujer)), which receives the endorsement of the Municipality of Toa Baja • Equal opportunity was offered to all participants including persons with disabilities • Equal opportunity handouts and other orientation material is available for participants (Including Complaints Procedures) • Equal opportunity handout is placed on the PHA main office • Fulfillment of VAWA laws are enforced • The PHA administers the HOPWA, ESG and HPRP programs • Landlords and tenants are oriented regarding non discriminatory rules and politics <p>Sexual Offenders and VAWA Policies See Appendix 2</p>
6.0	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p style="padding-left: 40px;">Payment standard was revised and established as a 91% of the FMR.</p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.</p> <p style="padding-left: 40px;">All documents related to the PHA plan will be available at:</p> <p style="padding-left: 40px;">Oficina Programa de Sección 8 Centro de Gobierno Anaclito Ortiz Santana Dpto. de Planificación, Vivienda, Programas Federales y Ordenación Territorial – Piso 3 Barrio Ingenio Sector El 26 Carr. 867 Toa Baja, Puerto Rico</p>
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i></p> <p style="padding-left: 40px;"><u>Homeownership Program</u></p> <p style="padding-left: 40px;">The PHA began to plan the implementation of the Homeownership Program in the Municipality of Toa Baja. This will begin with the designation of the personnel and preparation of the policies and rules. Once the plan is completed, it will be provided to HUD for its approval.</p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p> <p style="padding-left: 40px;">N/A</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. 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 style="padding-left: 40px;">N/A</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. 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 style="padding-left: 40px;">N/A</p>

8.3	<p>Capital Fund Financing Program (CFFP). <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>Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p>See Appendix 1</p>
9.1	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</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"> • Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction • Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required. The PHA will identify housing units based on the size needs of the families. • 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. • Participate in the Consolidated Plan development process to ensure coordination with broader community strategies. Assist to Consolidate Plan Public Hearing <p>Strategy 2: Increase the number of affordable housing units by:</p> <ul style="list-style-type: none"> • Apply for additional section 8 units should they become available <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"> • Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance <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"> • Apply for special-purpose vouchers targeted to the elderly, should they become available <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"> • Apply for special-purpose vouchers targeted to families with disabilities, should they become available <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"> • Counsel Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units • Market the Section 8 Program to owners outside of areas of poverty /minority concentrations <p><u>Other Housing Needs & Strategies:</u></p> <ul style="list-style-type: none"> • Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA • Administrating the HOPWA Program and the HPRP Program • Reviewing the payment standards
10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.</p> <p>During the past years (2005-2010), the municipality made progress toward accomplishing these objectives. Highlights of achievements are as follows:</p> <ul style="list-style-type: none"> • The Municipality of Toa Baja 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. • In the initial briefings and as required, tenants are oriented about the mobility and portability options of the voucher program. • Landlords are oriented about the section 8 program requirements and enrollment requirements • Maintain rent payments at an affordable level • Prospective landlords were oriented about the section 8 program requirements.

- Newspapers ad and flyers were posted to outreach potential landlords.
- Payment standards were revised
- Minimum rent and the admission preferences were revised
- The staff assisted to seminars offered by HUD, OCAM (Office of the Commissioner for Municipal Affairs), the P.R. Health and Environmental Department, and by private resources. This includes HQS training, Lead-Based Paint training, and HPRP, among other.
- Acquiring equipment and two cars (in years 2002 and 2003) to enhance the service offered by the Housing Staff.
- The Municipality endorses an Elderly Center.
- Tenants were oriented about job training and placement opportunities in the municipality and referrals were made to designated agencies
- Supportive services are offered through out the Department for Social Development, Community and Woman Affairs (Departamento de Desarrollo Social, Comunal y Asuntos de La Mujer), which receives the endorsement of the Municipality of Toa Baja
- Equal opportunity was offered to all participants including persons with disabilities
- Equal opportunity handouts and other orientation material is available for participants (Including Complaints Procedures)
- Equal opportunity handout is placed on the PHA main office
- Fulfillment of VAWA laws are enforced
- The PHA administers the HOPWA, ESG and HPRP programs
- Landlords and tenants are oriented regarding non discriminatory rules and politics

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

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:

- **Changes to rent or admissions policies or organization of waiting list;**
- **Any modification to the PHAs Mission Statement or any substantial modification to the Municipality's goals and objectives**

Exception to this definition will be made:

- 1. If there are changes to the requirements of the Federal Regulation.**
- 2. For establishing preferences**
- 3. Changes in Payment Standards ranging from 90 to 110 %**

(c) Sexual Offenders and VAWA Policies

See Appendix 2

(d) Membership of the Resident Advisory Board or Boards

See Appendix 3

(e) Newspaper Ad Promoting and Announcing the Hearing Process

See Appendix 4

(f) List of Persons Assisting to the Public Hearing

See Appendix 5

(g) Form HUD-50077-CR: *Civil Rights Certification*

See Appendix 6

(h) Form HUD-50077-SL: *Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan*

See Appendix 7

11.0 Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights)
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only)
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only)
- (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only)
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only)
- (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.
- (g) Challenged Elements
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only)
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)

See Appendix 8 (Only those that apply for this PHA)

- (a) *Form HUD-50077, and*
- (b) *Resident Advisory Board (RAB) comments.*

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

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated 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
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

ORGANIZATIONAL RELATIONSHIP BETWEEN THE MUNICIPALITY AND PUBLIC HOUSING AGENCY

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

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

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

Residents:

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

The greatest problem facing public housing is the feeling of powerlessness and alienation of residents toward the PHA, which is reflected against the apartments where they live. A principal cause of problems is the failure to provide residents with a meaningful degree of ownership, responsibility and control over the place in which they live. Power, responsibility, and control is in the hands of a governmental PHA appointed by, and solely accountable to, political leaders.

People who rent market-rate housing have choices that are not available to residents of public housing. The management of private housing is accountable in the marketplace. On the one hand, if a private landlord allows physical or environmental conditions to deteriorate, tenants will move out. On the other hand, if tenants are not responsible, management can either evict them or not renew the lease. There is a balance of power that works to ensure that conditions remain well. There is mutual accountability because both parties have the power to act based on their own best interests.

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

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

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

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

The solutions to the Public Housing Problems lie in the active involvement of citizens and the local government. During the 2005-2010 period the City will work with the PRPHA to develop more affordable housing units and homeownership opportunities that will help to reduce criminality and improve the quality of life of the residents.

HOUSING AND HOMELESS NEEDS ASSESSMENT

The purpose of this Housing and Homeless Needs Assessment is to provide an estimate of housing needs projected for 2010. Housing needs represent the human or "demand" side of the City's housing environment. Together with the following "Housing Market Analysis" section of the plan, a comprehensive analysis is put forth with the goal of guiding subsequent plans and policies. This Housing Needs Assessment begins with an analysis of affordability based on family incomes and an explanation of housing assistance, including eligibility criteria and the various housing programs available. The Needs Assessment then focuses on households in need of assistance and projections for the extremely low-income to moderate income population. Finally, specific housing problems, such as cost burden, substandard housing and overcrowding, are discussed.

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

LOW TO MODERATE HOUSEHOLDS DEFINED

Affordability is defined as gross housing expenses less than or equal to 30 percent of a household's gross income. Four income levels are considered in this assessment, three of which need housing assistance: extremely low-income, low-income, moderate income and middle-income. The respective income levels as percent of area median are depicted on the tables below. The first table provides the Census 2000 low to moderate income limits for the San Juan MSA based on a four-person household, updated to reflect the HUD CDBG eligible areas for FY2005. The second table provides the 2004 HUD income limits for the San Juan Area.

Low To Moderate Income Limits for San Juan MSA with		
Income Level	Area's Median Family Income (%)	Area's Median Family Income (%)
Extremely Low-Income	Below 30 Percent	\$6,540
Low-Income	Between 31 and 50 Percent	\$10,900
Moderate Income	Between 51 and 80 Percent	\$17,440

HUD HOME Adjusted Program Income Limits 2004: San Juan MSA			
	30% Median	Very Low Income	Low Income
1 Person	6,350	10,600	16,950
2 Persons	7,250	12,100	19,400
3 Persons	8,200	13,650	21,800
4 Persons	9,100	15,150	24,250
5 Persons	9,800	16,350	26,200
6 Persons	10,550	17,550	28,100
7 Persons	11,250	18,800	30,050
8 Persons	12,000	20,000	32,000

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

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

ESTIMATED HOUSING NEEDS 2005-2010

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

The formula used is as follows:

$$HN00 = OUWCP + OUWKF + UFPA100$$

Where:

HN05 = Housing Needs for 2005

OUWCP = Occupied units without complete plumbing facilities

OUWKF = Occupied units without complete kitchen facilities

UFPA100 = Unit located in 100 year Flood Prone Areas

<i>Census Variable</i>	<i>Number of units</i>
Occupied units without complete plumbing facilities	1,440
Occupied units without complete kitchen facilities	352
Unit located in 100 year Flood Prone Areas 2005	3,967
Total	5,759

According to the formula, there is a need for 5,759 housing units.

It is understood that the estimate of the number of households of the Municipality of Toa Baja will increase from the year 2000 to the year 2010 in approximately 6,000 households. These new households created in the period 2000 to 2010 in addition to the 5,759 households residing in inadequate housing in the year 2005, constitute for the calculation, the combination of the population in need of housing for 2010.

CATEGORIES OF PERSONS AFFECTED

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

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

1. Sound: having no defects or only slight defects of a type normally corrected in the course of regular maintenance. These defects do not affect the weather tightness of the living quarters nor do they endanger the safety or health of the occupants.
2. Deteriorating: has intermediate defects that require fixing beyond the scope of routine maintenance. Intermediate defects indicate a need for fixing so that the rooms can continue to provide adequate protection.
3. Dilapidated: no longer provides safe and adequate shelter. It has one or more critical defects, such as broken or missing materials over a large area of the foundation, exterior walls, roof, floors, etc.
4. Inadequate Original Construction: unit is built largely of makeshift of scrap materials, or has no foundation with walls resting directly on the ground, or has a dirt floor. Also shacks, huts, sheds, tents, and similar buildings unsuitable for residential use, but used as a place of residence.

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

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

The following tables, based on the 2000 CHAS Data Book, shows the basic family composition of owner and renter households of extremely low-income, low-income, moderate-income, and middle-income families. In terms of owners the elderly are identified separately from “all other families”. For renter households, the households are divided into elderly, “small related” and “large related” families, and “all other families”.

Extremely low income households

Extremely low-income households have incomes at or below 30 percent of the area median. The CHAS data show that almost 20.79 percent of all households are in the extremely low-income category. Extremely low-income households represent 28.9 percent of households in need of housing assistance. Of the 6,308 extremely low-income households, only 28.8 percent are renters and 71.1 percent are owners. The majority of the extremely low-income households are “small related” (two to four persons).

Low-Income:

Low-income households have incomes between 30 and 50 percent of the area median. The CHAS data show that 14 percent of all households will be in the low-income category. Low-income households will represent 24.22 percent of households in need of housing assistance. Of the 4,397 low-income households, only 23.9 percent are

renters and 76 percent are owners. The majority of low-income households are “small related” (two to four persons).

Moderate-Income:

Moderate-income households have incomes between 50 and 80 percent of area median. The CHAS data show that 17.8% percent of all households are in the moderate-income category. Moderate-income households represent 28.45 percent of households in need of housing assistance. Of the 5,400 moderate-income households, 24.5 percent are renters and 75.5 percent are owners. The majority of moderate-income households are “small related”(two to four persons).

Middle-income:

Middle-income households have incomes above 80 percent of the area median. The CHAS data show that 46% percent of all households are in the middle-income category. Middle-income households represent 44.81 percent of households in need of housing assistance. Of the 14,228 middle-income households, only 14.9 percent are renters and 85 percent are owners. The majority of middle-income households are “small related” (two to four persons).

Renters Characteristics all groups:

As to renter households, most definitely the “large related” families stand out with 64.5% of the families with housing problems, followed by the small related with 47.9% and “elderly” with 44.4%. The Municipality shall promote rental housing rehabilitation programs to improve the housing condition of the renters.

Household by Type, Income, & Housing Problem	Elderly 1 & 2 member households	Small Related (2 to 4)	Large Related (5 or more)	All Other Households	Total Renters
	(A)	(B)	(C)	(D)	(E)
1. Household Income <=50% MFI	293	1,723	466	390	2,872
2. Household Income <=30% MFI	158	1,075	323	263	1,819
3. % with any housing problems	46.2	61.9	67.5	43	58.8
4. % Cost Burden >30%	46.2	43.3	42.7	33.5	42
5. % Cost Burden >50%	37.3	38.1	38.4	31.9	37.2
6. Household Income >30% to <=50% MFI	135	648	143	127	1,053
7. % with any housing problems	51.9	68.5	65.7	56.7	64.6
8. % Cost Burden >30%	38.5	59.4	23.8	41.7	49.8
9. % Cost Burden >50%	18.5	30.9	2.8	30.7	25.5
10. Household Income >50 to <=80% MFI	75	725	265	263	1,328
11. % with any housing problems	62.7	56.6	75.5	64.3	62.2
12. % Cost Burden >30%	62.7	41.4	22.6	52.9	41.1
13. % Cost Burden >50%	18.7	6.2	0	3.8	5.2
14. Household Income >80% MFI	69	1,453	264	338	2,124
15. % with any housing problems	5.8	24	48.9	24.6	26.6
16. % Cost Burden >30%	0	6.1	11	16	8.1
17. % Cost Burden >50%	0	0	0	3	0.5
18. Total Households	437	3,901	995	991	6,324
19. % with any housing problems	44.4	47.9	64.4	44.1	49.6
20. % Cost Burden >30	39.4	31.7	26.2	33.7	31.7
21. % Cost Burden >50	22.4	16.8	12.9	14.4	16.2

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

Owners Characteristics all groups:

As to owner occupied households, most definitely the “large related” families stand out with 60% of the families with housing problems, followed by “all others” with 43.2% and the “small related” with 41.5%.

Household by Type, Income, & Housing Problem	Elderly 1 & 2 member households (F)	Small Related (2 to 4) (G)	Large Related (5 or more) (H)	All Other Households (I)	Total Owners (J)	Total Households (L)
1. Household Income <=50% MFI	2,270	3,577	1,049	937	7,833	10,705
2. Household Income <=30% MFI	1,316	2,034	485	654	4,489	6,308
3. % with any housing problems	53.6	69.3	84.5	59.5	64.9	63.1
4. % Cost Burden >30%	49.5	58.5	44.3	54.1	53.7	50.3
5. % Cost Burden >50%	32.3	42.8	33	45.9	39.1	38.6
6. Household Income >30% to <=50% MFI	954	1,543	564	283	3,344	4,397
7. % with any housing problems	41.8	55	65.4	45.2	52.2	55.1
8. % Cost Burden >30%	38.7	42.7	30	39.9	39.2	41.7
9. % Cost Burden >50%	24.6	29.2	19.5	33.2	26.6	26.3
10. Household Income >50 to <=80% MFI	948	2,044	713	367	4,072	5,400
11. % with any housing problems	37.2	49.4	71.9	40.1	49.7	52.7
12. % Cost Burden >30%	35.2	38.6	34.1	39	37.1	38.1
13. % Cost Burden >50%	17.3	13.9	14	19.1	15.2	12.7
14. Household Income >80% MFI	1,428	7,514	2,388	774	12,104	14,228
15. % with any housing problems	21.2	29.1	50.2	30.2	32.4	31.5
16. % Cost Burden >30%	16.7	15.4	10.4	27.8	15.4	14.3
17. % Cost Burden >50%	5.9	2.7	1	9	3.2	2.8
18. Total Households	4,646	13,135	4,150	2,078	24,009	30,333
19. % with any housing problems	37.9	41.5	60	43.2	44.1	45.3
20. % Cost Burden >30	34.3	28.9	21.1	39.7	29.5	30
21. % Cost Burden >50	19.5	13.8	9.5	25.7	15.2	15.4

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

Need and Characteristics of owner and renter households with impediments of extremely low-income, low-income, moderate-income, and middle-income families:

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

- Extra Elderly: 1 or 2 Member households, either person 75 years or older
- Elderly: 1 or 2 Member Households, either person 62 to 74 years

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

Renter Households with Disability

Household by Type, Income, & Housing Problem	Extra Elderly 1 & 2 Member Households	Elderly 1 & 2 Member Households	All Other Households	Total Renters
	(A)	(B)	(C)	(D)
1. Household Income <=50% MFI	70	64	505	639
2. Household Income <=30% MFI	40	45	350	435
% with any housing problems	50	44.4	64.3	60.9
3. Household Income >30 to <=50% MFI	30	19	155	204
% with any housing problems	50	21.1	71	63.2
4. Household Income >50 to <=80% MFI	25	24	155	204
% with any housing problems	40	83.3	64.5	63.7
5. Household Income >80% MFI	19	25	290	334
% with any housing problems	21.1	0	34.5	31.1
6. Total Households	114	113	950	1,177
% with any housing problems	43	38.9	56.3	53.4

Owner Households with Disability

Household by Type, Income, & Housing Problem	Extra Elderly 1 & 2 Member Households	Elderly 1 & 2 Member Households	All Other Households	Total Owners
	(E)	(F)	(G)	(H)
1. Household Income <=50% MFI	483	608	1,679	2,770
2. Household Income <=30% MFI	244	334	905	1,483
% with any housing problems	48.8	56.9	75.1	66.7
3. Household Income >30 to <=50% MFI	239	274	774	1,287
% with any housing problems	48.1	47.4	62	56.3
4. Household Income >50 to <=80% MFI	185	310	770	1,265
% with any housing problems	32.4	43.5	52.6	47.4
5. Household Income >80% MFI	210	330	2,130	2,670
% with any housing problems	26.2	19.7	39.4	36
6. Total Households	878	1,248	4,579	6,705
% with any housing problems	39.7	41.7	52.5	48.8

Extremely low income households with impediments:

The CHAS data show that almost 24.33 percent of all households with impediments are in the extremely low-income category. Extremely low-income households with impediments and with housing problems represent 32.15 percent of households in need of housing assistance. Of the 1,918 extremely low-income households with impediments, 22.67 percent are renters and 77.32 percent are owners. The majority of the extremely low-income households are “all others”.

Low-Income households with impediments:

The CHAS data show that 18.9 percent of all households with impediments will be in the low-income category. Low-income households with impediments and with housing problems represent 21.89 percent of households in need of housing assistance. Of the 1,491 low-income households with impediments, only 13.6 percent are renters and 86.31 percent are owners. The majority of low-income households with impediments are “all others”.

Moderate-Income with impediments:

The CHAS data show that 18.63% percent of all households with impediments are in the moderate-income category. Moderate-income households with impediments and with housing problems represent 18.71 percent of households in need of housing assistance. Of the 1,469 moderate-income households with impediments, 13.88 percent are renters and 86.11 percent are owners. The majority of moderate-income households with impediments are “all others”.

Middle-income with impediments:

The CHAS data show that 38.11% percent of all households with impediments are in the middle-income category. Middle-income households with impediments and with housing problems represent 27.25 percent of households in need of housing assistance. Of the 3,004 middle-income households, 11.11 percent are renters and 88.88 percent are owners. The majority of middle-income households are “all others”.

Cost Burden Households:

Cost-burdened households are defined as those spending more than 30 percent of their household incomes on housing costs, including utilities. In 2000, 30 percent of households were cost-burdened in the Municipality of Toa Baja. A total of 9,099 households were spending more than 30 percent of their household incomes on housing. That proportion is estimated to remain constant to 2010 when over 11,000 households are predicted to be cost-burdened.

CHAS data shows that 77.8 percent of cost-burdened households are owners and 21.2 percents renters. The largest group are the “small related” with 5,032 households, followed by the “elderly” with 1,765, the “all related” with 1,158, and the “large related” with 1,136 households. In terms of household income, CHAS data show that 50% of the extremely low income households, 41.7% of the moderate income, and 38.1% of the middle income households are the more cost-burdened.

Severely Cost Burden Households:

Severely cost-burdened households are defined as those spending more than 50 percent of their household incomes on housing costs, including utilities. In 2000, 15.4 percent of households were severely cost-burdened in

Municipality. A total of 4,671 households were spending more than 50 percent of their household incomes on housing.

CHAS data shows that 78.12 percent of severely cost-burdened households are owners and 21.88 percents renters. The largest group are the “small related” with 2,467 households, followed by the “elderly” with 1013, “all others with 676, and the “large related” with 522 households. In terms of household income, CHAS data show that 38.6% of the extremely low income households, 26.3% of the moderate income, and 12.7% of the middle income households are the more severely cost-burdened.

Overcrowding:

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

In 2000, nearly 4,458 (or 15 percent) of the Municipality’s occupied-housing units were classified as “crowded”.

Crowded and Lacking Complete Plumbing:

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

In 2000 there were approximately 224 housing units that were both crowded and lacking complete plumbing.

Substandard housing conditions:

Due to changes in the census tabulation for Puerto Rico it is impossible to determine the number of unit that are substandard based on the definition included in this section (the categories of sound, deteriorating, and dilapidated were eliminated for 2000). Although substandard housing specific data is not available we will assume that units with problems as defined by CHAS data are substandard. Taking in consideration that definition we can conclude that 5,759 housing units in the municipality are considered Substandard (inadequate).

Priority Needs Summary Table (HUD Table 2A)					
Priority Housing Needs (Households)			Priority Need Level (High, Medium, Low)	Estimated Units	Estimated Dollars to Address
Renter	Small Related	0-30%	High	665	\$23,301,600
		31-50%	High	443	\$ 7,761,360
		51-80%	Med	410	\$ 9,338,160
	Large Related	0-30%	High	218	\$ 9,548,400

		31-50%	High	93	\$ 2,036,700
		51-80%	High	200	\$ 5,694,000
	Elderly	0-30%	High	72	\$ 1,728,000
		31-50%	High	70	\$ 840,000
		51-80%	High	57	\$ 889,200
	All Others	0-30%	High	113	\$ 3,661,200
		31-50%	High	72	\$ 1,166,400
		51-80%	High	169	\$ 3,559,140
	Owner	0-30%	High	2,913	\$43,695,000
31-50%		High	1,745	\$17,450,000	
51-80%		Med	2,023	\$20,230,000	

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

Rehabilitation Programs	Homeownership Programs	Rental Programs
<ul style="list-style-type: none"> • Condition of the Units • Availability of Funds • Waiting list order • Urgent need 	<ul style="list-style-type: none"> • Income determination • Credit History • Waiting list order • Availability of units 	<ul style="list-style-type: none"> • Waiting list order • Preferences • Size of the households

Other Population with special need

Elderly :

The following section identifies the need of the elderly population.

Need identification for elderly persons:

To own an adequate, secure and accessible home is the fundamental aspect of having an adequate retirement. Although most of the persons over 65 years of age in Toa Baja (60%) own their homes, which are considered to be in good condition, it is necessary to offer mechanisms to adequately maintain these properties.

Usually retired persons find themselves with less income, and in a weakened physical and emotional condition. These combined factors place at risk the maintenance of their property and their quality of life. The different federal, state and municipal programs combined with the support of social services, have lead to the adequate

response to needs of part of this sector of the population. Even so, due to the projected growth of the population of age 65 or more, it is necessary to define the specific needs and the strategies that may help confront what could become a difficult situation in the next millennium

The following analysis presents a basic statistical profile of the population of 65 years of age or more and the homes in which they reside. This document explores the complex relation that exists between individuals, housing and services offered. The first section of the document consists of an analysis of the basic indicators of supply and demand of housing.

In addition, demographic data is presented on age, gender, tenancy, income, and housing location preference. This data will allow us to identify the group's needs in a subsequent section of this document.

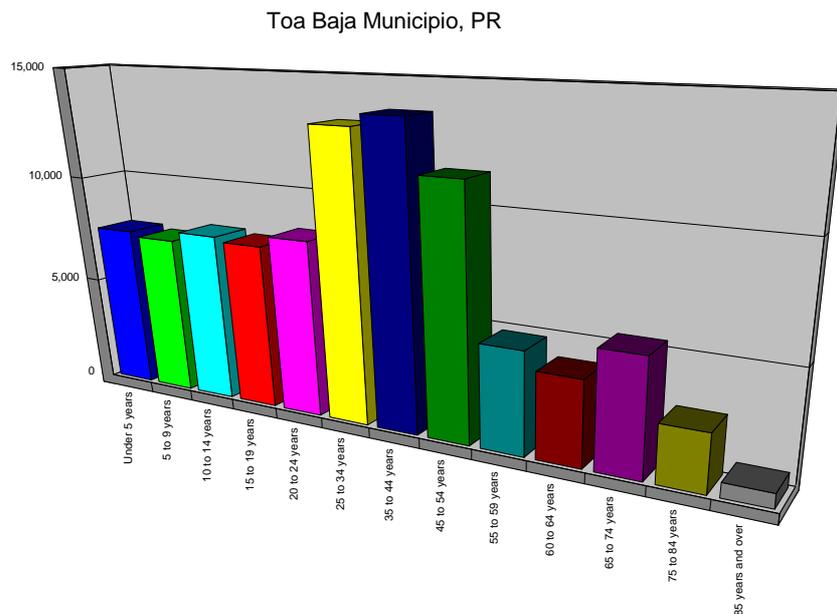
Within this section we have focused on the relation that exists between income, and housing quality and characteristics. For this we take into consideration the economic resources of persons of 65 years of age or more and the expenses related to their age. We have studied the dynamic between incapacity, mobility, and accessibility of the home as important issues when evaluating housing needs.

Finally, this section establishes the strategy and action plan that must be assumed in order to attend the urgent housing needs of elderly persons without losing sight of their dignity, independence, and the diversity of individuals that form part of this sector. The Plan lists the available resources and programs in order to offer integrated services that attend the needs of our elderly population.

Identification of Housing Needs:

It is very difficult to obtain a unique profile of elderly persons since this sector is as diverse as any other of the Puerto Rican society. Thus, the programs cannot focus on specific services, but rather must be as varied as are the needs of the population. It is necessary to see the whole spectrum in order to determine the true needs.

The number of elderly people in Toa Baja has increased considerably in the past years and it is expected to continue to grow. According to the last figures of the 2000 Census, the group of 65 years of age or more was of 8,651 which represent a 9% of the total population.



The majority of persons that reach the age of 65 or more were born during the great depression where birth rates were low. By the year 2010, there will be a radical increase since those born after WWII (Baby Boomers), will start to retire.

As the socio-economic level of a society increases so does the proportion of this growing sector. A high proportion of elderly people in a society indicate that its inhabitants exhibit low levels of fecundity and mortality. The life expectancy of an average Puerto Rican increased from 46 years in 1940 to 74 years in 1990. This index is one of the highest in the world.

Toa Baja is at the bottom of the list with a high proportion of elderly persons over 75 years of age. The important aspect here is that physical and financial problems increase as does the age of the group. The particular characteristics of this group are indicative of a greater functional dependence, an intensive use of social and health services, and more housing requirements in response to their needs.

According to the 2000 Census, the number of women in Toa Baja of 65 years of age or more is 4,848. This sector represents 9.9% of the total population of the aforementioned group. The disparity in the group is important, since the women are at a disadvantage when trying to acquire or maintain a home at this age. The problem gets worse since their income decreases as their expenses increase. This implies that the needs of elderly women are even greater as they age. Also the life expectancy of women is greater than that of men which implies a greater cost. Service strategies must be established that address this group.

The municipality of Toa Baja has a total of 5,652 elderly households of which 60% are homeowners. A total of 1,932 elderly households are paying 30% or more of their income to maintain their home. This percent, according to federal standards, is inadequate.

In general, elderly persons are more stable than their children in terms of moving from one home to another. Residential mobility decreases throughout life. People between the ages of 65 and 85 are less willing to move.

Elderly persons are usually “over-housed” (the home has more rooms than the persons who live in them). The “over-housed” condition usually brings about maintenance problems that cannot be attended by the elderly inhabitants.

The income of elderly persons is one of the fundamental economical factors when searching for and maintaining a home. Elderly people have less income with which to satisfy the continual and ascendant costs of life such as: housing and medical expenses. In order to cover their obligations many elderly persons must sell part, if not all, of the assets that they acquired throughout their productive life. This includes their savings and non-financial assets.

The median income according to the 2000 Census for people of age 65 is \$22,411 annually. This amount is 3.1% higher than the Island average. A 1998 study by Harrison Consulting Group of people of 65 years of age determined that the average annual income of an elderly person was of only \$9,257 and of a couple, \$15,096. The same study shows that the average rent paid by this group, including utilities, was of \$368.00 monthly. This amounts to a rental payment of 29% of the total income for couples and an alarming 48% for individuals. If we take into consideration the medical expenses and the nutritional needs, plus the rent paid, there is very little left over, if any, for our elderly persons.

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.
- It is necessary to provide funds for rehabilitation of units for the elders.

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

Policy for VAWA

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

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

Policy for Sexual Offenders

Sex Related Criminal Activity

Anyone convicted of any type of sexual offense whether subject to lifetime registration requirement under state law or not required to register shall not be admitted to the Housing Choice Voucher Program.

In an effort to exclude "dangerous sex offenders" from the Housing Choice Voucher program, federal law prohibits anyone subject to state sex offense registries from admission or participation at the program. This lifetime exclusion from the program will protect children and other victims from violent, repeat sexual predators. In compliance with this requirement the Municipality will terminate assistance to any household in which a member is convicted for a sexual offense or who is subject to the lifetime registration or has been convicted for a sexual offense or who is subject to the lifetime registration.

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 offers through the Department for Social Development, Community and Woman Affairs (Departamento de Desarrollo Social, Comunal y Asuntos de la Mujer), services for social work, psychologist, support in court, assistance for shelter placement and protection (safety) warrants, among others. It's primarily goal is to provide the victims with a place where they feel free to go and received the necessarily support to overcome the domestic violence as well as other issues.

Also, support is offered thru the different dependencies and programs of the Municipality of Toa Baja. These are:

1. Legal Services (Servicios Legales)
2. Head Start (Child Care and Early Head Start)
3. Faith Based and Neighborhood Initiative (Iniciativa de Fé y Bases Comunitarias)
4. The Municipal Health and Treatment Center (CDT for its initials in Spanish)
5. Juvenile Affairs Office (Oficina de Asuntos de la Juventud)
6. Ederly Affairs Office (Oficina de Asuntos de la Vejez)
7. Paratransit (Trolley - Llame y Viaje)

(b) Obtain or Maintain Housing

The PHA's Federal Programs Department with the purpose of providing affordable decent, safe, and sanitary housing to the citizens of Toa Baja, administers the Section 8 Program, the HOPWA Program, the ESG Program and the 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, support, workshops and educative speeches to the community about domestic violence, among others. These services are provided primarily through out the Department for Social Development, Community and Woman Affairs (Departamento de Desarrollo Social, Comunal y Asuntos de la Mujer), Juvenile Affairs Office (Oficina de Asuntos de la Juventud), and Recreational & Sport Department (Recreación y Deportes).

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

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 Toa Baja) 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 Toa Baja, Mr. Victor Correa is the Section 8 Program Coordinator.

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

1. Marilia Torrech
2. Juan López
3. Carmen I. Ortiz
4. Josephine Valentín Delgado

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

PRIMERA HORA martes, 2 de febrero de 2010

59

Sano

Noticias de salud fáciles de leer

Para paular su anuncio, llame a su agencia de publicidad o a nuestro departamento de Ventas al (787) 541-5454, extensiones 4803-4691

La mejor cobertura de autos

Todos los viernes

ADMINISTRACION DE RECLAMACIONES Y PERMISOS

ARPE
AVISO DE VISTA PÚBLICA

Para conocimiento del público en general y de conformidad con las disposiciones del Artículo 7 de la Ley Número 74 del 16 de junio de 1975, según enmendada, conocida como Ley Orgánica de la Administración de Reglamentación y Permisos de Puerto Rico, el Reglamento de Procedimientos Adjudicatorios de la ARPE de 16 de abril de 2002, la Ley Número 170 del 11 de agosto de 1978, según enmendada, conocida como Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico, el Reglamento de Ordenación Territorial del Municipio de San Juan de 19 de marzo de 2003, el decreto B-14 del 15 de marzo de 2003, según enmendado en la Subsección 8.01 del Reglamento de Ordenación Territorial del Municipio de San Juan, vigente, el mismo artículo para establecer áreas restringidas de vehículos o que puedan discurrirlos y en donde se permitan ciertos tipos de vehículos en volúmenes de 250 metros cuadrados o más.

Se invita a los vecinos del proyecto, a los propietarios de terrenos que rodean dentro de los límites territoriales señalados, a los agentes gubernamentales y al público en general a participar en dicha vista y someter sus recomendaciones.

Se advierte que las partes pueden comparecer asistidas por abogados, pero no estarán obligadas a estar así representadas, siempre que los costos de comparencia y notificación en el caso de comparecer se pague de la vista no podrá suspender una vista ya señalada, excepto que se solicite por escrito con expresión de las causas sometidas con cinco (5) días de anticipación a la fecha de dicha vista. Dicha solicitud será sometida con cinco (5) días de anticipación y acompañada con un comprobante de \$200.00 dólares de la cuenta núm. 5891. La parte solicitante enviará copia de su solicitud a las demás partes e intervenciones en el procedimiento, dentro de los cinco (5) días señalados. Es una parte solicitar la suspensión dentro del término establecido y no recibir una contestación a la misma, previo a la celebración de la vista, se entenderá que la misma ha sido rechazada y la vista pasará adelante para la misma fecha y hora señalada. Si una parte decididamente citada no comparece a la convocatoria con antelación a la vista, o a cualquier otra etapa durante el procedimiento administrativo, el funcionario que preside la misma podrá dictar en rebeldía y continuar el procedimiento sin su participación, pero notificará por escrito a dicha parte su determinación, los fundamentos para la misma y el recurso de revisión disponible.

El expediente y los planos relacionados con el proyecto, están disponibles al público para ser examinados en el Centro Ejecutivo de Tránsito de la ARPE en el Centro Gubernamental Roberto Sánchez Vilella, Edificio Norte, Piso 10, Avenida De Diego, Santurce, Puerto Rico y en la Oficina de Asesoría Legal de ARPE, localizada en el Centro Gubernamental Roberto Sánchez Vilella, Edificio Norte, Piso 3, Avenida De Diego Santurce, Puerto Rico.

En San Juan, Puerto Rico, hoy 18 de enero de 2010.

Ing. Jorge L. Casza Fancett
 Administrador

ESTADO LIBRE ASOCIADO DE PUERTO RICO
MUNICIPIO DE TOA BAJA
 DEPARTAMENTO DE PLANIFICACION,
 VIVIENDA, PROGRAMAS FEDERALES
 Y ORDENACION TERRITORIAL
 APARTADO 5193
 TOA BAJA, P.R. 00959-1983
 (787) 261-0244 / 1-800-681-0067; (787) 754-1121 (audio impedido)

AVISO AL PÚBLICO
DISPONIBILIDAD DEL PLAN CONSOLIDADO 201-2015
Y PLAN ANUAL 2010-2011 DEL PROGRAMA SECCION 8

El Municipio de Toa Baja ha preparado los Planes Anuales del Programa Sección 8. El borrador del plan y todos los documentos asociados a éste se encuentran disponibles para ser examinados por el público en general, organizaciones sin fines de lucro y todos aquellos interesados, durante horas laborables a partir de la fecha de publicación de este aviso.

Las personas interesadas en emitir comentarios sobre el Plan, los podrán hacer personalmente en el Departamento de Vivienda, en el tercer piso del Centro de Gobierno, Anacleto Cruz Santana, ubicado en la carretera 867, Sector El 26, Ingenuo, Toa Baja. También pueden escribir a la dirección arriba indicada.

El Municipio de Toa Baja invita a la ciudadanía en general a participar del cierre de comentarios al plan con la celebración de la Vista Pública a celebrarse:

Fecha: martes, 23 de marzo de 2010
 Hora: 10:00 a.m.
 Lugar: Salón de Conferencias del Departamento de Vivienda, 3º Centro de Gobierno, Anacleto Cruz Santana (3er piso)

El lugar seleccionado es de fácil acceso para personas con impedimentos físicos. De requerir asistencia especial, puede comunicarse a los teléfonos arriba indicados, antes del día de la vista.

Publicado hoy 2 de febrero de 2010.

Hon. Anibal Vega Borges
 Alcalde

Rebecca Rivera Torres
 Directora

Este anuncio se publica según requerido por el 24 CFR 903.17.

No te pierdas

Defiance
 MODA CAPTION MODERNA

Ven a ver el Desafío de la Moda en Plaza del Sol, 5 de febrero de 2010, 4:00 pm, Food Court, Plaza del Sol

BEAUTE

*Cestas adicionales en cabezas mediana (\$5.00) o largas (\$10.00) hasta un máximo de \$35.00 en extra largas.

BEAUTE

Blower - \$15.00*
 Corte y Blower - \$35.00*
 Keratina - \$99.00*
 Manos y Pies - \$30.00
 Full Set - \$20.00

Segundo Nivel, Plaza del Sol • 787.780.0535

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



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



Pagina 1

MUNICIPIO DE TOA BAJA

Hoja de Asistencia

VP: 23 de marzo de 2010

NOMBRE:

FIRMA:

Luz E. Rivera Mercado

[Signature]

Josephina Valentin Delgado

[Signature]

Marilia Torrech

[Signature]

Carmen Crespo

[Signature]

Maritza Serran

[Signature]

[Signature]

[Signature]

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

(Form HUD-50077-CR)

Civil Rights Certification	U.S. Department of Housing and Urban Development 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:

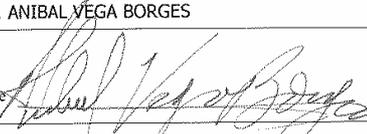
The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further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

MUNICIPALITY OF TOA BAJA

PHA Name

RQ022

PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)	
Name of Authorized Official HON. ANIBAL VEGA BORGES	Title MAYOR
Signature 	Date MARCH 23, 2010

form HUD-50077-CR (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)

ATTACHED NEXT

**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/TMS 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.

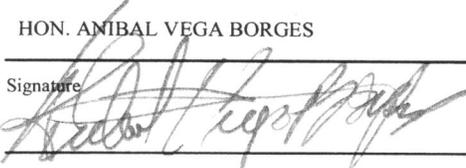
Municipality of Toa Baja
 PHA Name

RQ022
 PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 20 10 - 20 14

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. ANIBAL VEGA BORGES	MAYOR
Signature	Date
	MARCH 23, 2010

(b) Resident Advisory Board (RAB) comments.

BEFORE PUBLIC HEARING:

No comments were made.

AFTER PUBLIC HEARING:

The Public Hearing took place on March 23, 2010 in the Conference Room of the Housing Department, 3rd floor of the Governmental Center. It began with the lecture of the ad, followed by the presentation and discussion of the Plan.

During the Hearing, those present asked or bring in written, the following questions/suggestions:

1. "The participants (tenants) most show its compromise with the Agency by assisting to the different meetings. The are most be a greater assistance" *Luz E. Rivera*
2. "Assistance (to meetings) shall be a mandatory" *Marilia Torreal*
3. "One: The eligibility preference of Domestic Violence (VAWA) should be eliminated.
Two: Participants (Tenants) most be required to mandatory assist to the Public Hearings.
Three: Self-sufficiency (what about it?)" *Josephine Valentín Delgado*

All of this point, as well as Section 8 policies and requirements, were satisfactorily discussed with those presents.

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

Attached next are the written comments (3 pages) and following it, there is the endorsement letter.



Estado Libre Asociado de Puerto Rico
 Municipio de Toa Baja
 Departamento de Planificación,
 Vivienda, Programas Federales
 Y Ordenación Territorial
 PO Box 51983
 Toa Baja, PR 00950-1983



PLANES PHAs 2010

Programa Sección 8

CERTIFICACION VISTA PÚBLICA

La Junta de Participantes del Programa Sección 8 del Municipio de Toa Baja, certifica que el 23 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)*

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 Toa Baja.

Certificamos lo anterior como correcto, hoy 23 de marzo de 2010:

Nombre:

Firma:

Luz F. Riera Moreado

Luz F. Riera Moreado

Josephina Valentin Delgado

Josephina Valentin Delgado

Manilita Torrech

Manilita Torrech

**HOUSING AUTHORITY
CITY OF TOA BAJA
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM
ADMINISTRATIVE PLAN**

Copy No.	1
Document Version:	1.0
Date:	November 24, 2003

Abstract:	This document contains the Section Administrative Plan (the Plan) for the Section 8 Housing Choice Voucher Program as required by the Quality Housing and Work Responsibility Act of 1998 (the Act). The Plan includes the policies regarding eligibility admissions and occupancy
------------------	---

Approved:

Hon. Anibal Vega Borges, Mayor, City of Toa Baja

Janet T. Santana, Executive Director, Housing Department

Carmen Corazón, Section 8 Program Coordinator, Housing Department

The information in this document may not be changed without express written agreement of the city of Toa Baja.

Toa Baja Housing Authority	Page 1 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008

HOUSING AUTHORITY CITY OF TOA BAJA SECTION 8 HOUSING VOUCHER ADMINISTRATIVE PLAN

Distribution Control

Copy No.	Distribution
1. Approval Copy	TOA BAJA HA
2. Approval Copy	HUD
3. Approval Copy	Mayor's Office
4. Approval Copy	

People Involved in the Preparation of This Document

Function	Name
HA, Executive Director	Janet T. Santana
HA, Section 8 Coordinator	Carmen Corazón
HA, Section 8 Program Officer	
HA, Section 8 Program Officer	
HA Consultant	

Review List

Reviewed by	Date

Change History

Version	Date	Revision Description
1.0	11/29/2004	Screening and Eviction for Drug Abuse & Other Criminal Activity
2.0	04/11/2007	Sexual Offenders and VAWA
3.0	04/11/2008	Preferences

TABLE OF CONTENTS

I	INTRODUCTION	6
II	DEFINITIONS	7
III	OUTREACH TO FAMILIES AND OWNERS	14
	(A) FAMILIES.....	14
	(B) OWNERS.....	14
	(C) MONITORING OWNER OUTREACH.....	15
IV	OCCUPANCY POLICY	15
	(A) FAMILY COMPOSITION.....	15
	(B) USE AND OCCUPANCY OF THE UNIT.....	15
	(C) ABSENCE FROM THE UNIT.....	16
V	SUBSIDY STANDARDS	17
VI	PROCESSING APPLICATIONS	17
	(A) INITIAL SCREENING OF APPLICANTS.....	17
	(B) APPLICANT SELECTION.....	19
	(1) Special Admissions.....	19
	(2) Waiting List Admissions.....	20
	(3) Prohibited Admission Criteria.....	20
	(C) RANKING AND PREFERENCES.....	20
	(D) REMOVING APPLICANT NAMES FROM THE WAITING LIST.....	21
	(E) PROCEDURES FOR OPENING AND CLOSING THE HA WAITING LIST.....	22
VII	APPROVING OR DENYING ASSISTANCE	22
	(A) APPROVING ASSISTANCE.....	22
	(B) HA DENIAL OR TERMINATION OF ASSISTANCE.....	23
	(1) Denying Assistance to an Applicant.....	23
	(2) Termination of Assistance for a Participant.....	25
	(i) Dug-related criminal activity.....	25
	(ii) Violent Criminal Activity.....	26
	(iii) Sex Offenders.....	26
	(iv) Alcohol Abusers.....	26
	(C) INITIAL, EXTENSION AND SUSPENSION OF TERM.....	27
	(D) INFORMATION PACKET.....	27
VIII	REQUESTING HA APPROVAL TO LEASE A UNIT	28
IX	HOUSING QUALITY STANDARDS (HQS)	29
X	ILLEGAL DISCRIMINATION: HA ASSISTANCE TO FAMILY	30
XI	FAMILY INFORMATION TO OWNER	30
XII	HA DISAPPROVAL OF OWNER	30
XIII	LEASE AND LEASE ADDENDUM	32

TABLE OF CONTENTS

XIV	TERM OF ASSISTED TENANCY	32
	(A) TERM OF LEASE	32
	(B) OWNER TERMINATION OF TENANCY	33
XV	PAYMENTS UNDER HAP CONTRACT.....	35
XVI	SECURITY DEPOSITS	36
XVII	TENANT MOVES.....	36
XVIII	FAMILY BREAK-UP	37
XIX	OWNER RESPONSIBILITY	37
	(A) GENERAL	37
	(B) MAINTENANCE	38
XX	FAMILY RESPONSIBILITIES	38
	(A) GENERAL	38
	(B) MAINTENANCE	39
XXI	INTERIM RE-DETERMINATION OF FAMILY INCOME AND COMPOSITION.....	39
XXII	UTILITY ALLOWANCE SCHEDULE	40
XXIII	DETERMINATION OF RENTAL SUBSIDIES	41
	(A) GENERAL	41
	(B) PAYMENT STANDARD.....	41
XXIV	RENT TO OWNER: REASONABLE RENT	41
XXV	OVER-FMR TENANCY IN THE HA VOUCHER PROGRAM	42
XXVI	SPECIAL HOUSING TYPES	42
XXVII	USE OF THE ADMINISTRATIVE FEE RESERVE.....	43
XXVIII	INFORMAL REVIEW PROCEDURES FOR APPLICANTS	43
	(A) PROCESS	43
	(B) INFORMAL REVIEW NOT REQUIRED	44
	(C) RESTRICTIONS ON ASSISTANCE FOR NONCITIZENS	44
XXIX	INFORMAL HEARING PROCEDURES FOR PARTICIPANTS	46
	(A) PROCESS	46
	(B) INFORMAL REVIEW REQUIRED	47
	(C) INFORMAL REVIEW NOT REQUIRED	47
	(D) RESTRICTIONS ON ASSISTANCE FOR NONCITIZENS	48



Preface

Purpose

This document contains the Section Administrative Plan (the Plan) for the Section 8 Housing Choice Voucher Program as required by the Quality Housing and Work Responsibility Act of 1998 (the Act). The Plan includes the policies regarding eligibility admissions and occupancy and other program policies.

Associated Documents

- Voucher Program Handbook US Department of Housing and Urban Development (04/2001)
- Quality Housing and Work Responsibility Act of 1998
- Chapter IX, Part 982 of Title 24 CFR
- Section 8 Certificate Voucher Programs: Housing Choice Voucher Program - FR Final Rule (10/21/99)

Toa Baja Housing Authority	Page 5 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



I Introduction

The Quality Housing and Work Responsibility Act of 1998 (the Act) is the first piece of legislation passed by Congress in five years that enacts substantial revisions to the laws governing the public housing and Section 8 programs. The Act requires an agency to develop a five-year and an annual agency plan to be submitted to HUD every fiscal year. The plan is subject to public comment and a review by an advisory group of residents. In addition the plan will include a mission statement from the housing authority and a statement of goals and objectives that allow the agency to serve its targeted population.

The act also merges the Section 8 and Voucher Program, creating a new Section 8 Housing Choice Voucher Program. It also establishes the fair market rent (FMR'SO at the 40th percentile and a payment standard that does not fall below 90 percent of the FMR or exceed 110 of the FMR.

The Housing and Community Development Department of the City of TOA BAJA (hereinafter referred to as "HA") administer the Section 8 Housing Choice Voucher Program. The program alike its predecessor (Rental Certificates & Vouchers Program), provide rent subsidies so eligible families can afford rent for decent, safe, and sanitary housing. HUD provides funds to a HA for rent subsidy on behalf of eligible families. HUD also provides funds for HA administration of the programs.

Section 8 assistance may be ``tenant-based" or ``project-based". In project- based programs, rental assistance is paid for families who live in specific housing developments or units. The contract only covers a single unit and the specific assisted family. If the family moves out of the leased unit, the contract with the owner terminates.

With tenant-based assistance, the family selects the assisted unit. The family may rent a unit anywhere in the United States in the jurisdiction of an HA that runs a voucher program. Under this model families select and rent units that meet program housing quality standards. If the HA approves a family's unit and lease, the HA contracts with the owner to make rent subsidy payments on behalf of the family. If the family moves to another unit they can continue with the rental assistance so long as the family is complying with program requirements.

Toa Baja Housing Authority	Page 6 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



II DEFINITIONS

- (1) Absorption. In portability (under subpart H of part 982): the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.
- (2) Adjusted income is defined in 24 CFR part 5 Sec. 611
- (3) Administrative fee. Fee paid by HUD to the HA for administration of the program. See Sec. 982.152.
- (4) Administrative fee reserve (formerly "operating reserve"). Account established by HA from excess administrative fee income. The administrative fee reserve will be used for housing purposes. See Sec. 982.155.
- (5) Administrative plan. The plan that describes HA policies for administration of the tenant-based programs. See Sec. 982.54.
- (6) 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 (first day of initial lease term) in a tenant-based program.
- (7) Amortization payment. In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase prices of the manufactured home.
- (8) Annual income is defined in 24 CFR part 5 Sec. 609
- (9) Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.
- (10) Budget authority. An amount authorized and appropriated by the Congress for payment to HA's under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.
- (11) Certificate. A document issued by an HA to a family selected for admission to the certificate program. The certificate describes the program and the procedures for HA approval of a unit selected by the family. The certificate also states obligations of the family under the program.

Toa Baja Housing Authority	Page 7 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (12) Common space. In shared housing: Space available for use by the assisted family and other occupants of the unit.
- (13) Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see Sec. 982.606 to Sec. 982.609.
- (14) Contiguous MSA. In portability (under subpart H of this part 982): An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.
- (15) Continuously assisted. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the voucher program.
- (16) Contract authority. The maximum annual payment by HUD to an HA for a funding increment.
- (17) Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type: see Sec. 982.619.
- (18) Displaced family means a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.
- (19) Domicile. The legal residence of the household head or spouse as determined in accordance with State and local law.
- (20) Drug-related criminal activity. As defined in 42 U.S.C. 1437f(f)(5).
- (21) Drug-trafficking. The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).
- (22) Elderly person a persons who is at least 62 years.
- (23) Elderly family means a family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of elderly age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Toa Baja Housing Authority	Page 8 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (24) Exception rent. An amount that exceeds the published FMR. See Sec. 982.504(b). See also definition of FMR/exception rent limit.
- (25) Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that will be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR part 888.
- (26) Family. The HA determines if any other group of persons qualifies as a "family". Family include the following:
- a single person or a group of persons:
 - a family with a child or children.
 - a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.
 - a child who is temporarily away from the home because of placement in foster care is considered a member of the family.
- (27) Family self-sufficiency program (FSS program). The program established by an HA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).
- (28) Family share. The portion of rent and utilities paid by the family. For calculation of family share, see Sec. 982.515(a).
- (29) Family unit size. The appropriate number of bedrooms for a family, as determined by the HA under the HA subsidy standards.
- (30) FMR/exception rent limit. The Section 8 existing housing fair market rent published by HUD Headquarters or any exception rent. For a tenancy in the voucher program, the HA may adopt a payment standard up to the FMR/exception rent limit. For an over-FMR tenancy in the program, the payment standard is the FMR/exception rent limit.
- (31) Funding increment. Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.
- (32) Gross rent. The sum of the rent to owner plus any utility allowance.
- (33) Group home. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with

Toa Baja Housing Authority	Page 9 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



disabilities (including any live-in aide). A special housing type: see Sec. 982.610 to Sec. 982.614.

- (34) HAP contract. Housing assistance payments contract.
- (35) Housing assistance payment. The monthly assistance payment by an HA, which includes: A payment to the owner for rent to the owner under the family's lease; and an additional payment to the family if the total assistance payment exceeds the rent to owner.
- (36) Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs. See Sec. 982.401.
- (37) Initial HA. In portability, the term refers to both: An HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and a HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.
- (38) Initial payment standard. The payment standard at the beginning of the HAP contract term.
- (39) Initial rent to owner. The rent to owner at the beginning of the HAP contract term.
- (40) Jurisdiction. The area in which the HA has authority under State and local law to administer the program.
- (41) Lease. (1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of this part 982, the cooperative is the Section 8 ``owner" of the unit, and the cooperative member is the Section 8 ``tenant."
- (42) Lease addendum. In the lease between the tenant and the owner, the lease language required by HUD.
- (43) Live-in aide is defined in 24 CFR part 5, subpart D.
- (44) Low-income family a family whose income is at or below at 80% of the jurisdiction median income as determined by HUD.

Toa Baja Housing Authority	Page 10 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (45) **Manufactured home.** A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type: see Sec. 982.620 and Sec. 982.621.
- (46) **Manufactured home space.** In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See Sec. 982.622 to Sec. 982.624.
- (47) **Mutual housing.** Included in the definition of "cooperative."
- (48) **Notice of Funding Availability (NOFA).** For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.
- (49) **Over-FMR tenancy.** A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.
- (50) **Owner.** Any person or entity with the legal right to lease or sublease a unit to a participant.
- (51) **Participant (participant family).** A family that has been admitted to the HA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term).
- (52) **Payment standard.** In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the HA sets a payment standard in the range from 80 percent to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.
- (53) **Person with disabilities** defined in 24 CFR 8.3.
- (54) **Portability.** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.
- (55) **Premises.** The building or complex in which the dwelling unit is located, including common areas and grounds.
- (56) **Private space.** In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

Toa Baja Housing Authority	Page 11 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



-
- (57) Reasonable rent. A rent to owner that is not more than rent charged: For comparable units in the private unassisted market; and for comparable unassisted units in the premises. Receiving HA. In portability: An HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a voucher and provides program assistance to the family.
- (58) Receiving HA. In portability: An HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a voucher and provides program assistance to the family.
- (59) Regular tenancy. A tenancy other than an over-FMR tenancy.
- (60) Rent to owner. The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.
- (61) Set-up charges. In a manufactured home space rental: Charges payable by the family for assembling, skirting and anchoring the manufactured home.
- (62) Shared housing. A unit occupied by two or more families. The unit consists of both common spaces for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type: see Sec. 982.615 to Sec. 982.618.
- (63) Single person family. This may be: (i) An elderly person; (ii) A displaced person; (iii) A disabled person; or (iv) Any other single person.
- (64) Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A special housing type: see Sec. 982.602 to Sec. 982.605.
- (65) Special admission. Admission of an applicant that is not on the HA waiting list or without considering the applicant's waiting list position.
- (66) Special housing types. See subpart M of this part 982. Subpart M of this part states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).
- (67) Subsidy standards. Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Toa Baja Housing Authority	Page 12 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



-
- (68) Suspension. Stopping the clock on the term of a family's voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.
- (69) Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.
- (70) Tenant rent. The total tenant payment minus any utility allowance. (This term applies both to a regular tenancy and an over-FMR tenancy.)
- (71) Total tenant payment is defined in 24 CFR part 5 Sec. 613
- (72) Utility allowance is the estimated cost of utilities (except telephone) and other housing services made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living.
- (73) Utility reimbursement is the amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.
- (74) Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.
- (75) 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.
- (76) Voucher (rental voucher). A document issued by an HA to a family selected for admission to the voucher program. This document describes the program and the procedures for HA approval of a unit selected by the family. The voucher also states obligations of the family under the program.
- (77) Waiting list admission. An admission from the HA waiting list.

Toa Baja Housing Authority	Page 13 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



III Outreach to Families and Owners

(a) Families

The Section 8 Program is widely known among residents, especially low-income persons, in the City of TOA BAJA. As such, outreach efforts to inform and request participation from potential applicants will be done following the procedures established in Section VI(e) of the Administrative Plan.

(b) Owners

In order to attract owners, specially for encouraging participation by owners of suitable units located outside areas of low income or minority concentration, the HA has develop a brochure that will address the most common concerns owners have about the program. These include, but are not limited to:

1. Owner eligibility and housing Selection (HQS)
2. Rents and Housing Assistance Payments
3. Tenant Eligibility and selection by the HA
4. Owner screening of Tenants
5. Termination of Tenancy (by HA/by Owner)
6. Tax Benefits for providing Low Income Rental Housing

The HA will utilize one or more of the following options in marketing the Program to Owners:

1. Distribution of the brochure though community and neighborhood groups
2. Paid advertising in both newspaper and radio
3. Public service notices
4. Direct mail or letters addressed to realtors, brokers or property owners for units located outside of areas of low income or minority concentration.
5. Notices on the Municipal Government Section 8 reception areas.
6. "Word of Mouth" approach

These outreach efforts will comply with the approved Equal Opportunity Housing Plan, (EOHP), this Administrative Plan, and HUD guidelines for fair housing.

Toa Baja Housing Authority	Page 14 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(c) Monitoring Owner Outreach

The HA will monitor the quantity and Quality of the owner participation and make appropriate adjustments in its marketing efforts. Achievement of owner response goals must be evaluated every six months. Performance indicators could include:

1. Number of owners attending briefing sessions coordinated by the HA.
2. Number of owners requesting additional information. Based on the comparison of this information to the owner proposed response goals the HA will decide to increase or decrease its outreach efforts.

IV Occupancy Policy

(a) Family Composition

The definition of "Family" include:

- a single person or a group of persons:
- a family with a child or children.
- a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family. The HA determines if any other group of persons qualifies as a "family". An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

(b) Use and Occupancy of the Unit

The unit must be the family's only residence. The composition of the assisted family residing in the unit must be approved by the HA. The family must promptly inform the HA of the birth, adoption or court-awarded custody of a child. The family must request HA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide. The family must promptly notify the HA if any family member no longer resides in the unit.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. The family must not sublease or let the unit or not assign the lease or transfer the unit.

Toa Baja Housing Authority	Page 15 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(c) Absence from the Unit

Absence means that no member of the family is residing in the unit. The family must supply any information or certification requested by the HA to verify that the family is living in the unit, or relating to family absence from the unit, including any HA-requested information or certification on the purposes of family absences.

The family may be absent from the unit for brief periods (less than (30) thirty consecutive calendar days). There are instances where longer absences may be justified. If this is the case the family must promptly notify the HA of absence from the unit, including any information requested on the purposes of family absences. For example, longer absences may be justified by:

- (1) Family Vacations (not more than (60) sixty consecutive calendar days).
- (2) Hospitalization (not more than (90) ninety consecutive calendar days).

However, longer absence periods may be authorized by the HA if requested by the family. Notwithstanding, the family may not be absent from the unit for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

Housing assistance payments terminate if the family is absent for longer than the maximum period permitted. The term of the HAP contract and assisted lease also terminate. The owner must reimburse the HA for any housing assistance payment for the period after the termination.

The HA will adopt the following techniques to verify family occupancy or absence:

- (1) letters to the family at the unit,
- (2) phone calls, and
- (3) visits or questions to the landlord or neighbors

If the housing assistance payments are terminated under the above provisions, and the family request readmission to the Program, the family will be treated as a new applicant.

Toa Baja Housing Authority	Page 16 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



V Subsidy Standards

The HA subsidy standards determine the number of bedrooms needed for families of different sizes and compositions. For each family, the HA determines the appropriate number of bedrooms under the HA subsidy standards (family unit size) which is entered on the housing choice voucher issued to the family when is selected for participation in the program.

The HA family unit size under the HA subsidy standards is as follows:

<u>Family Members</u>	<u>Unit Size by Bedrooms</u>
1-2	0-1
2-4	2
3-4	3
4-8	4

In determining family unit size for a particular family, the HA may grant an exception to its established subsidy standards if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

VI Processing Applications

(a) Initial Screening of Applicants

The HA will only admit an eligible "family" to the program. To be eligible, the applicant will be income-eligible, and will be a citizen or a noncitizen who has eligible immigration status as determined in accordance with 24 CFR part 5.

The HA has developed forms and a list of specific requirements and documents that will be presented by potential applicants to determine eligibility. The documents and procedure required for determining eligibility include:

- (1) Applicants' present evidence of all income received by the family including Social Security benefits, Social Services benefits , pensions, child support, scholarship, assets, etc.
- (2) Applicants and participants are required to disclose and verify' their social security numbers as well at their children's Social Security numbers (children over 6 years of age), and their employer's identification number (necessary).
- (3) Certification of employment signed by the employer.
- (4) Affidavit for the self-employed.



- (5) Marriage certificate or divorce decree, where applicable.
- (6) Birth certificate for all the members of the family
- (7) . Affidavit for common-law couples.
- (8) Certification of a handicapped or medical disability Certificate of Prior Penal Records from the Police Department for all the family members 18 and over. Person over 62 years of age will be evaluated to determine if this necessary to be provided.
- (9) . Family group photograph.
- (10) Authorization to corroborate the information presented with the respective public agencies and/or other institutions - e.g. the Social Service Department, the Housing Authority, the Social Security Administration, etc. - and to obtain verification of income

After initial eligibility is verified the family will be placed in the HA waiting list. When the HA determines that there is a possibility that the family will receive assistance within six (6) months, then these other documents will be requested:

- (1) Certification of ongoing studies for all children over 18 years of age,
- (2) Certification of unemployment for Person who are older than 18 years of age and are not studying (persons whit over 62 years of age will be evaluated to determine if this necessary to be provided).
- (3) Certification of a handicapped or medical disability
- (4) Updated family group photograph.

Program personnel may also conduct interviews in their current place of residence and have their current housing condition documented.

The HA shall retain for three years (3) years, a copy of the application. In the case of there being no response from the applicant to our notice, or no evidence of providing follow-up information this three years, the HA will dispose the application. If the family shows after the (3) three-year period, and request to up-date its application, and the HA is taking applications (waiting list is open), a new one must be completed and evaluated according this administrative plan.

In case of a divorce neither one nor the other will have the right to claim a previously submitted application. Either party must submit a new application. The HA may give to each one the previously submitted documents that corresponds to each one.

This information is valid within the period of 60 days before the HA issues a Housing Choice Voucher to the applicant.

Toa Baja Housing Authority	Page 18 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



The HA determines whether the family is income-eligible by comparing the family's annual income (gross income) with the HUD-established very low-income limit or low-income limit for the area. The applicable income limit for selection into the program is the highest income limit (for the family unit size) for areas in the HA jurisdiction and where the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.

Once a decision concerning eligibility is made the HA will give the applicant prompt written notice of this decision by regular mail. If the family is eligible it is placed in the HA waiting list. The HA will use a single waiting list for admissions to its tenant-based programs.

If the family is ineligible written notice will be send to the applicant, within (30) thirty days after the date the application was evaluated, of the decision denying admission to the program (including a decision that the applicant is not eligible, or denying assistance for other reasons). The notice will include a brief statement of the reasons for the decision. The notice will also state that the applicant may request an informal review of the decision, and how to arrange for the informal review.

(b) Applicant Selection

The HA may admit an applicant for participation in the program either as a special admission (non-waiting list) or as a waiting list admission.

(1) Special Admissions

Special admissions will be processed only if HUD awards the HA program funds that is targeted for families living in specified units. The HA may admit a family that is not on the HA waiting list, or without considering the family's waiting list position. The HA will maintain records showing that the family was admitted with HUD-targeted assistance.

The following are examples of types of program funding that may be targeted for a family living in a specified unit:

- A family displaced because of demolition or disposition of a public housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 et seq.);
- 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

Toa Baja Housing Authority	Page 19 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(2) Waiting List Admissions

Except for special admissions procedures mentioned above, participants will be selected from the HA waiting list in accordance with the admission policies included in this Administrative Plan. The HA waiting list will be organized in the following manner:

- (1) Applicant name;
- (2) Family unit size (number of bedrooms for which family qualifies under HA occupancy standards);
- (3) Date and time of application;
- (4) Qualification for any ranking preference or local preference; and

The order of admission from the waiting list will not be based on family size, or on the family unit size for which the family qualifies under the HA occupancy policy. If the HA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the HA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

(3) Prohibited Admission Criteria

The owner selects the tenant. The owner decides whether the family is suitable for tenancy. However the HA may deny assistance to an applicant because of drug-related criminal activity or violent criminal activity by family members. (See Sec. VII).

Admission to the program will not be based on where the family lives before admission or where the family will live with assistance under the program. However, the HA may target assistance for families who live in public housing or other federally assisted housing, or may adopt a HUD-approved residency preference. Admission to the program will not be based on factors such as:

- (1) Members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;
- (2) A family includes children (familial status discrimination);
- (3) Age, race, color, religion, sex, or national origin;
- (4) Disability; or whether a family decides to participate in a family self-sufficiency program.

An applicant does not have any right or entitlement to be listed on the HA waiting list, to any particular position on the waiting list, or to admission to the programs.

(c) Ranking and Preferences

The HA has established the following preferences for admission to the program

Toa Baja Housing Authority	Page 20 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



Rank	Preference
1	Persons with disabilities (any member of the family)
1	Hate crime victims
1	Home Fires Victims
2	Victims of domestic violence (court certified cases)
3	Evictions (must provide evidence of eviction notice)
4	Elderly persons or families
5	Residents of the Municipality of Toa Baja

For each two participants with preferences selected from the HA Waiting List another participant without any preference will be selected. If two or more applicants on the waiting list has the same preference/ranking status the HA will base its admission decision, first on the on the date and time of application and second on a drawing between both applicant. The applicant not selected will remain in the same position in the waiting list. The HA will request from applicants seeking preference status the necessary documentation to verify and evidence such status so that each applicant has been selected in accordance with the method specified in this administrative plan.

(d) Removing Applicant Names from the Waiting List

Applicant names will be removed from the waiting list if they do not respond to HA requests for appointments or request for information updates. If an applicant did not respond to the HA request for information or updates because of a family member's disability, the HA will reinstate the applicant in the family's former position on the waiting list if the applicant demonstrates this is the case.



(e) Procedures for Opening and Closing the HA Waiting List

When the HA opens a waiting list, the HA will give public notice in newspaper of local or regional circulation, fliers or radio stations that families may apply for tenant-based assistance. The public notice will state where and when to apply. The notice will comply with HUD fair housing requirements. The public notice will state any limitations on who may apply for available slots in the program. The HA may adopt criteria defining what families may apply for assistance under a public notice.

If the waiting list is open, the HA will accept applications from families for whom the list is open unless there is good cause for not accepting the applications (such as a denial of assistance because of action or inaction by members of the family) for the grounds stated in Sec. 982.552. If the HA determines that the existing waiting list contains an adequate pool for use of available program funding, the HA may stop accepting new applications, or may accept only applications meeting criteria adopted by the HA.

Even if the HA is not otherwise accepting additional applications, the HA will accept applications from applicants who claim a preference unless the HA determines that the waiting list already contains an adequate pool of applicants who are likely to qualify for the preferences included in this Administrative Plan.

VII Approving or Denying Assistance

(a) Approving Assistance

When the HA selects a family to participate in a the program, the HA will give the family an oral briefing that will include information on the following subjects:

- (1) A description of how the program works;
- (2) Family and owner responsibilities under the lease and HAP Contract; and
- (3) Where the family may lease a unit, including renting a dwelling unit inside or outside the HA jurisdiction
- (4) Housing Quality Standards Requirements
- (5) Procedures for unit Inspection by the HA
- (6) Fair Housing and Equal Opportunity laws and Grievance Procedures

For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing will include an explanation of how portability works. The HA may not discourage the family from choosing to live anywhere in the HA jurisdiction, or outside the HA jurisdiction under portability procedures.

Toa Baja Housing Authority	Page 22 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



If the family is currently living in a high poverty census tract in the HA's jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.

In briefing a family that includes any disabled person, the HA must take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6.

The family unit size is determined in accordance with the subsidy standards established by the HA in this Administrative Plan which determine the number of bedrooms needed for families of different sizes and compositions.

(b) HA Denial or Termination of Assistance

The HA may deny assistance for an applicant or terminate assistance for a participant under the programs because of the family's action or failure to act as described below:

(1) Denying Assistance to an Applicant

The HA may deny assistance for an applicant for:

- (1) Denying listing on the HA waiting list,
- (2) Denying or withdrawing a voucher,
- (3) Refusing to enter into a HAP contract or approve a lease,
- (4) Refusing to process or provide assistance under procedures; and if
- (5) The family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

If the latter applies the HA will evaluate the conditions that gave rise to the debt. If the circumstances and evidence presented by the family are justified (loss of employment, death of working household), the HA, at its discretion, may offer the family the opportunity to enter an agreement to pay amounts owed to an HA or amounts paid to an owner by an HA. The HA will prescribe the terms of the agreement taking into consideration the financial capacity of the family to cover its housing and other living expenses.

The HA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

- (1) If the family violates any family obligations under the program
- (2) If any member of the family has ever been evicted from public housing.
- (3) If an HA has ever terminated assistance under the voucher program for any member of the family.
- (4) If any member of the family commits drug-related criminal activity, or violent criminal activity

Toa Baja Housing Authority	Page 23 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (5) If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- (6) If the family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
- (7) If the family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, or other amounts owed by the family under the lease.
- (8) If the family breaches an agreement with the HA to pay amounts owed to an HA, or amounts paid to an owner by an HA. (The HA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to an HA or amounts paid to an owner by an HA. The HA may prescribe the terms of the agreement.)
- (9) If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
- (10) If the family has engaged in or threatened abusive or violent behavior toward HA personnel.

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HA has discretion to consider all of the circumstances in each case, including

- (1) The seriousness of the offending action;
- (2) The effect on the community of denial or termination or the failure of the responsible entity to take such action;
- (3) The extent of participation by the leaseholder in the offending action;
- (4) The effect of denial of admission or termination of tenancy on household members not involved in the offending action;
- (5) The demand for assisted housing by families who will adhere to lease responsibilities;
- (6) The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and
- (7) The effect of the responsible entity's action on the integrity of the program.

The HA will impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The HA may permit the other members of a participant family to continue receiving assistance.

The HA must deny or terminate assistance if any member of the family fails to sign and submit consent forms for obtaining and verifying applicant or participant information, including required evidence of citizenship or eligible immigration status.

Toa Baja Housing Authority	Page 24 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(2) Termination of Assistance for a Participant

The HA may terminate assistance for a participant for:

- (1) Refusing to enter into a HAP contract or approve a lease,
- (2) Terminating housing assistance payments under an outstanding HAP contract, and refusing to process or provide assistance under portability procedures.

This does not limit or affect exercise of the HA rights and remedies against the owner under the HAP contract, including termination, suspension or reduction of housing assistance payments, or termination of the HAP contract.

(i) Dug-related criminal activity

The HA will deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance. Such use or possession must have occurred within one year before the date that the HA provides notice to the family of the HA determination to deny or terminate assistance. Admission will be prohibited to the program for three years from the date of eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. The lease provides that violent criminal activity engaged in on or near the premises by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control, is grounds for you to terminate tenancy. In addition, the lease allows the HA to evict a family when it is determined that a household member is illegally using a drug or when it is determined that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The HA may not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:

- (1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
- (2) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances, or
- (3) the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

The HA will require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

Toa Baja Housing Authority	Page 25 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(ii) Violent Criminal Activity

In determining whether to deny or terminate assistance based on violent criminal activity, the HA will do so 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. The lease provides that violent criminal activity engaged in on or near the premises by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control, is grounds for you to terminate tenancy. In addition, the lease allows the HA to evict a family when it is determined that a household member pattern of violent criminal activity interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises); or
- (2) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises;
- (3) Fugitive felon or parole violator. The lease must provide that you may terminate the tenancy during the term of the lease if a tenant is:
 - Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or
 - Violating a condition of probation or parole imposed under Federal or State law.

(iii) Sex Offenders

Admission will be prohibited if any member of the household is subject to a lifetime registration requirement under a local, State or Federal sex offender registration program. In the screening of applicants, criminal history background checks will be made in the State where the housing is located and in other States where the household members are known to have resided

(iv) Alcohol Abusers

Admission will be prohibited if the HA determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Grounds for tenancy termination can be sufficient, if the HA determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying a criminal conviction standard of proof of the activity.

Toa Baja Housing Authority	Page 26 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(c) Initial, Extension and Suspension of Term

The initial term of a housing choice voucher will be 60 calendar days. The initial term must be stated on the voucher.

The HA will grant a family one or more extensions of the initial term at its discretion. The initial term plus any extensions may not exceed a total period of 120 calendar days from the beginning of the initial term. Any extension of the term is granted by written HA notice to the family.

If the family needs and requests an extension of the initial housing choice voucher term to make the program accessible to and usable by a family member with a disability, the HA will extend the term of the voucher up to 120 days from the beginning of the initial term; or request the HUD field office to approve an additional extension of the term. The HA will not grant any suspension of the initial or any extended term

During the initial or any extended term of a voucher, the HA will require the family to report progress in leasing a unit. Such reports may be required at such intervals or times as determined by the HA.

(d) Information packet

When a family is selected to participate in the program, the HA will give the family a packet that includes information on the following subjects:

- (1) The term of the voucher, and HA policy on any extensions or suspensions of the term. If the HA allows extensions, the packet must explain how the family can request an extension;
- (2) How the HA determines the housing assistance payment for a family (information on fair market rents, payment standard and the HA utility allowance schedule)
- (3) How the HA determines the maximum rent for an assisted unit;
- (4) Where the family may lease a unit.
- (5) The HUD-required "lease addendum".
- (6) The form of request for lease approval, and an explanation of how to request HA approval to lease a unit;
- (7) A statement of the HA policy on providing information about a family to prospective owners;
- (8) HA subsidy standards,
- (9) The HUD brochure on how to select a unit;
- (10) The HUD-required lead-based paint (LBP) brochure;
- (11) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form;

Toa Baja Housing Authority	Page 27 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (12) A list of landlords or other parties known to the HA who may be willing to lease a unit to the family,
- (13) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the HA that may be available;
- (14) Family obligations under the program;
- (15) The grounds on which the HA may terminate assistance for a participant family because of family action or failure to act; and
- (16) HA informal hearing procedures.

VIII Requesting HA Approval to Lease a Unit

When an applicant family is selected, or when a participant family wants to move to a new unit with continued tenant-based assistance, the HA issues a housing choice voucher to the family. When the family finds a unit, and the owner is willing to lease the unit under the program, the family will request HA approval to lease the unit. The HA will not permit a family to submit more than one request at a time. The family must submit to the HA a request for lease approval and a copy of the proposed lease. Both documents must be submitted during the term of the housing choice voucher in the form and manner required by the HA.

The HA will not give approval for the family to lease a dwelling unit, or execute a HAP contract, until the HA has determined that all the following meet program requirements:

- (1) The unit is eligible;
- (2) The unit has been inspected by the HA and passes HQS;
- (3) The lease is approvable and includes the lease addendum;
- (4) The rent to owner is reasonable; and
- (5) For a unit leased, the total of contract rent plus any utility allowance does not exceed the FMR/exception rent limit.

The HA will use its best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term. No housing assistance payment to the owner will be made until the HAP contract has been executed. Any HAP contract executed after the 60 day period is void, and the HA will not pay any housing assistance payment to the owner.

After receiving the family's request for approval to lease a unit, the HA will notify within (30) calendar days to the family and owner whether the assisted tenancy is approved. Once the HA has given approval for the family to lease the unit, the owner and the HA execute the HAP contract.

The HA will provide to families that include persons with disabilities families with information about accessible units on the market and make reasonable accommodations in adjusting the search time and payment standard.

Toa Baja Housing Authority	Page 28 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



IX Housing Quality Standards (HQS)

As described above the HA will not give approval for the family to lease a dwelling unit, or execute a HAP contract, until the HA the unit has been inspected by the HA and passes HQS.

The HA must inspect the unit leased to a family at least annually, and at other times as needed, to determine if the unit meets HQS and acceptability criteria outlined in Sec 882.401 of the program regulations. For this purpose the HA will utilize HUD-Form 52580 to perform and record the HQS inspection of each unit. In scheduling inspections, the HA must consider complaints and any other information brought to the attention of the HA.

Owner and tenants will be notified of the inspection at least 15 working days in advance to assure the presence and participation of the owner and head of household in the inspection.

After the inspection is made each person must initial each and sign the last page of the inspection form. The HA will notify the owner and the tenant of defects shown by the inspection. The HA may not charge the family or owner for initial inspection or re-inspection of the unit. The HA quality control on HQS inspections will be based on re-inspecting on a random basis not less than (5%) five percent of all inspections re-inspection made in the program.

In addition to the HQS the Ha will require that when considering a room as a bedroom an adequate clothing closet facility must be in place. Also the inspector at it's own discretion will require additional improvements, such as:

- (1) Windows/door screens
- (2) Handrails
- (3) Window/door iron or aluminum grates
- (4) Any other item considered necessary to improve the health and security of the prospective tenants.

These requirements does not create any right of the family, or any party other than HUD or the HA, to require enforcement of the HQS requirements by HUD or the HA, or to assert any claim against HUD or the HA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

Toa Baja Housing Authority	Page 29 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



X Illegal Discrimination: HA Assistance to Family

If a family claim that illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance under the program, the HA will assist the family in filling out and filing a housing discrimination complaint with HUD.

XI Family Information to Owner

Listing a family on the HA waiting list, or selecting a family for participation in the program, is not a representation by the HA to the owner about the family's expected behavior, or the family's suitability for tenancy. At or before HA approval to lease a unit, the HA must inform the owner that the HA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility.

The HA will give the owner the information in the HA possession information about:

- (1) The family's current and prior address (as shown in the HA records);
- (2) The name and address (if known to the HA) of the landlord at the family's current and prior address.

Owners are permitted and will be encouraged to screen families on the basis of their tenancy histories. An owner may consider a family's background with respect to such factors such as:

- (1) Payment of rent and utility bills;
- (2) Caring for a unit and premises;
- (3) Respecting the rights of others to the peaceful enjoyment of their housing;
- (4) Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others; and
- (5) Compliance with other essential conditions of tenancy.

XII HA disapproval of Owner

The HA will not approve a unit if the HA 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 HA will not approve a unit 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; or
- (2) A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

Toa Baja Housing Authority	Page 30 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



In its administrative discretion, the HA may deny approval to lease a unit from an owner for any of the following reasons:

- (1) The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
- (2) The owner has committed fraud, bribery or any other corrupt or criminal act in 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 programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
- (5) The owner has a history or practice of 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; or
- (7) The owner has a history or practice and has frequently and repeatedly engaged in a conduct or has taken actions, which are offensive, insulting and/or aggressive against the Section 8 staff or applicants or participants under the Program.

If an owner is notified by the HA of its denial to lease a unit based on any of the above mentioned reasons, the HA will give the owner an opportunity for an informal hearing to consider whether HA decisions relating to the individual circumstances on which the decision is based are in accordance with the law, HUD regulations and HA policies.

The owner must request by writing an informal hearing, within 30 calendar days of receiving notice of the adverse determination. The HA will analyze such request and will provide the owner advance notice (20 calendar days in advance) of the place and time of such hearing.

The HA will designate a person, other than a person who made or approved the decision under review or a subordinate of this person, to conduct the hearing. The hearing will be conducted at the Housing and Community Development Office, unless other place is necessary to provide reasonable access to an owner with disabilities. At it's own expense; a lawyer or other representative may represent the owner.

At the hearing the HA and the owner will be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The person who conducts the hearing will issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the owner shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the owner.

Toa Baja Housing Authority	Page 31 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



The HA will not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the HA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

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

XIII Lease and Lease Addendum

The tenant must have legal capacity to enter into a lease under State or local law. The assisted lease between the tenant and owner (including any new lease or lease revision) must be approved by the HA. The HA must determine that the Lease Addendum meets HUD requirements as stated in Section 982.308 of Program Regulations.

XIV Term of Assisted Tenancy

The term of the HAP contract begins on the first day of the term of the lease and ends on the last day of the term of the lease. The HAP contract terminates if the lease terminates.

(a) Term of lease

The initial term of the lease must be for at least one year. The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:

- (1) For automatic renewal for successive definite terms (e.g., month-to-month or year-to-year); or
- (2) For automatic indefinite extension of the lease term.

The term of the lease terminates if any of the following occurs:

- (1) The owner terminates the lease;
- (2) The tenant terminates the lease;
- (3) The owner and the tenant agree to terminate the lease;
- (4) The HA terminates the HAP contract; or
- (5) The HA terminates assistance for the family.

The family may terminate the lease at any time after the first year. The lease may not require the family to give more than 60-calendar days notice of such termination to the owner. If the family terminates the lease on notice to the owner, the family must give the HA a copy of the notice of termination at the same time. Failure to do this is a breach of family obligations under the program.

Toa Baja Housing Authority	Page 32 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



Any new lease or lease revision must be approved in advance by the HA. The new lease or revision must meet the requirements of this section. The HA and owner must enter a new HAP contract for the tenancy under the new or revised lease.

The owner may offer the family a new lease, for a term beginning at any time after the initial term. The owner must give the tenant written notice of the offer, with a copy to the HA, at least 60 calendar days before the proposed beginning date of the new lease term. The offer must specify a reasonable time limit for acceptance by the family.

The family must notify the HA and the owner before the family moves out of the unit. Failure to do this is a breach of family obligations under the program.

(b) Owner Termination of Tenancy

During the term of the lease, the owner may not terminate the tenancy except on the following grounds:

- Serious or repeated violation of the terms and conditions of the lease;
- Violation of federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
- Other good cause.

Nonpayment by the HA is not an acceptable ground for termination of tenancy, because the family is not responsible for payment of the portion of the rent to owner covered by the housing assistance payment under the HAP contract between the owner and the HA and because a failure to pay the housing assistance payment to the owner is not a violation of the lease between the tenant and the owner.

However during the term of the lease the owner may terminate the tenancy of the family for any of the following types of criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control:

- (1) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents;
- (2) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises;
- (3) Any drug-related criminal activity on or near the premises: or
- (4) Other good cause.

Toa Baja Housing Authority	Page 33 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



"Other good cause" for termination of tenancy by the owner may include, but is not limited to, any of the following examples:

- (1) Failure by the family to accept the offer of a new lease or revision;
- (2) A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises;
- (3) The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- (4) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to lease the unit at a higher rental).

A 90-day notice is required if the owner is terminating the tenancy for a business or economic reason. (Sec. 982.455.)

During the first year of the lease term, the owner may not terminate the tenancy for "other good cause", unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for "other good cause" based on any of the following grounds:

- (1) failure by the family to accept the offer of a new lease or revision;
- (2) the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or
- (3) economic reason for termination of the tenancy

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy. The notice of grounds must be given at or before commencement of the eviction action. The owner must give the HA a copy of any owner eviction notice to the tenant.

The owner must give 90 calendar days notice of HAP contract termination (to HUD, the HA and the family) in accordance with Sec. 982.455 in the following cases:

- (1) If the owner terminates the tenancy for other good cause that is a business or economic reason; or
- (2) At "expiration" of the HAP contract
- (3) Eviction by court action. The owner may only evict the tenant from the unit by instituting a court action.

Toa Baja Housing Authority	Page 34 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



XV Payments Under HAP Contract

Housing assistance payments are paid to the owner in accordance with the terms of the HAP contract. Housing assistance payments may only be paid to the owner during the lease term, and while the family is residing in the unit.

Housing assistance payments terminate when the owner terminates the lease in accordance with the lease. However, if the owner has commenced the process to evict the tenant, and if the family continues to reside in the unit, the HA must continue to make housing assistance payments to the owner in accordance with the HAP contract until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. The HA may continue such payments until the family moves from or is evicted from the unit.

Other reasons for terminating Housing Assistance Payments terminate are:

- (1) The lease terminates;
- (2) The HAP contract terminates; or
- (3) The HA terminates assistance for the family.

If the family moves out of the unit, the HA may not make any housing assistance payment to the owner for any month after the month when the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit. If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit is not considered to constitute a duplicative housing subsidy.

If the HA determines that the owner is not entitled to the housing assistance payment or any part of it, the HA, in addition to other remedies, may deduct the amounts of the overpayment from any amounts due to the owner (Including amounts due under any other Section 8 assistance contract).

Toa Baja Housing Authority	Page 35 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



XVI Security Deposits

The owner may collect a security deposit from the tenant. The HA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

XVII Tenant Moves

A family may move to a new unit if the assisted lease for the old unit has terminated. A participant family may move one or more times with continued assistance under the program, either inside the HA jurisdiction, or under the portability procedures described in Sec. 982.353. However, the HA will continue administrating the portability vouchers for families that moves to the cities of Bayamón, Dorado and San Juan.

If the family terminates the lease on notice to the owner, the family must give the HA a copy of the notice at the same time. If the family wants to move to a new unit, the family must notify the HA and the owner before moving from the old unit. If the family wants to move to a new unit that is located outside the initial HA jurisdiction, the notice to the initial HA must specify the area where the family wants to move.

The HA may deny permission to move if the HA does not have sufficient funding for continued assistance. At any time, the HA may deny permission to move in accordance with Sec. IV(b)2 of the Administrative Plan (Termination of assistance).

Toa Baja Housing Authority	Page 36 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



XVIII Family Break-Up

The HA has discretion to determine which members of an assisted family continue to receive assistance in the program if the family breaks up.

In deciding who remains in the program if the family breaks up the factors to be considered in making this decision will include:

- (1) Whether the assistance should remain with family members remaining in the original assisted unit.
- (2) The interest of minor children or of ill, elderly or disabled family members.
- (3) Whether family members are forced to leave the unit as a result of actual or threatened physical violence against family members by a spouse or other member of the household.
- (4) Whether the assistance should remain with the family members who originally applied for the program

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the HA is bound by the court's determination of which family members continue to receive assistance in the program.

XIX Owner Responsibility

(a) General

- (1) The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease. The owner is responsible for:
- (2) Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
- (3) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
- (4) Complying with equal opportunity requirements.
- (5) Preparing and furnishing to the HA information required under the HAP contract.
- (6) Collecting from the family, any security deposit, the tenant contribution and any charges for unit damage by the family.
- (7) Enforcing tenant obligations under the lease.
- (8) Paying for utilities and services (unless paid by the family under the lease).
- (9) For provisions on modifications to a dwelling unit occupied or to be occupied by a disabled person

Toa Baja Housing Authority	Page 37 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(b) Maintenance

If the owner fails to maintain the dwelling unit in accordance with HQS, the HA must take prompt and vigorous action to enforce the owner obligations. HA remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.

The HA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the HA and the HA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any HA-approved extension). The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible (as provided in Sec. 982.404(b) and Sec. 982.551(c).

XX Family Responsibilities

(a) General

The family must supply any information that the HA or HUD determines is necessary in the administration of the program, including submission of required evidence any requested certification, consent forms for obtaining information or other documentation. The family must also supply any information requested by the HA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements. In addition the family must comply with the following:

- (1) allow the HA to inspect the unit at reasonable times and after reasonable notice
- (2) may not commit any serious or repeated violation of the lease
- (3) must notify the HA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner.
- (4) must promptly give the HA a copy of any owner eviction notice
- (5) The family must not own or have any interest in the unit
- (6) The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
- (7) The members of the family may not engage in drug-related criminal activity, or violent criminal activity (see Sec. 982.553)
- (8) An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.
- (9) must comply with the occupancy policy included in section IV of this Administrative Plan.

Toa Baja Housing Authority	Page 38 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(b) Maintenance

The family is responsible for a breach of the HQS that is caused by any of the following:

- (1) 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;
- (2) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
- (3) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).

If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any HA-approved extension).

If the family has caused a breach of the HQS, the HA must take prompt and vigorous action to enforce the family obligations. The HA may terminate assistance for the family in accordance with Sec. 982.552.

XXI Interim Re-Determination of Family Income and Composition

The HA's responsibilities for reexamining family income and composition are specified in 24 CFR part 5, subpart F. The HA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:

- (1) Reported family annual income;
- (2) The value of assets;
- (3) Expenses related to deductions from annual income; and
- (4) Other factors that affect the determination of adjusted income.

At any time, the HA may conduct an interim reexamination of family income and composition and at any time, the family may request an interim determination of family income or composition because of any substantial change changes since the last determination. The HA must make the interim determination within 30days after the family request.

The family must report a change in family income when it became aware that any member of the family income is subject to change by 10 or more. (Upward or Downward) and when the family composition is subject to change. In cases of death of a family member the notification must be provided within 60 days.



Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The HA must conduct a reexamination to determine such additional income, and must make appropriate adjustments in the housing assistance payment.

The effective date of a change in the housing assistance payment resulting from an interim re-determination will be within 30 calendar days after the date the HA determines the new housing assistance payment.

XXII Utility Allowance Schedule

The HA will maintain a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)). A copy of the utility allowance schedule will be furnished to HUD.

The utility allowance schedule will be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the HA must use normal patterns of consumption for the community as a whole and current utility rates.

The HA'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. However, the HA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The HA will review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The HA will maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

The HA must use the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the HA subsidy standards).

On request from a family that includes a person with disabilities, the HA will approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

Toa Baja Housing Authority	Page 40 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



XXIII Determination of Rental Subsidies

(a) General

In the voucher program, the rental subsidy is determined by a formula, and is not based on the actual rent of the leased unit. The subsidy for most families is the difference between 30 percent of adjusted monthly income and a "payment standard" that is based on the HUD-published fair market rent. If the unit rent is less than the voucher payment standard, the family pays a smaller share of the rent. If the unit rent is more than the payment standard, the family pays a larger share of the rent.

(b) Payment standard

In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). The HA sets a payment standard in the range from 90 percent to 110 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit. A voucher payment standard schedule is a list of the payment standard amounts used to calculate the voucher housing assistance payment for each unit size in an FMR area.

Currently the HA has set the payment standard between 100 and 110 percent of the current FMR/exception rent. As the FMR tends to rise the HA will determine if it is necessary to adjust the standard to assure continued affordability of units in the HA. This action is consistent with the recommended policy established by the "Housing Choice Voucher Program Handbook" (Page 7-6- The PHA may establish one or more separate payment standard amounts within the basic range for designated parts of an FMR area. This may be appropriate where a PHA has determined that its general payment standards are too low to allow families seeking housing in areas with low concentrations of poverty and minority families to lease in these areas).

XXIV Rent to Owner: Reasonable Rent

The HA will not approve a lease until the HA determines that the initial rent to owner is a reasonable rent. The Section 8 Office collects data to determine that requested rents are reasonable and comparable with the rents being paid in the same area for unassisted units.

The HA will re-determine the reasonable rent before any increase in the rent to owner, or at any other time at the discretion of the HA. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or Re-determined by the HA. The HA will determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the HA must consider:

- (1) The location, quality, size, unit type, and age of the contract unit; and

Toa Baja Housing Authority	Page 41 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (2) Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the HA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the HA information requested by the HA on rents charged by the owner for other units in the premises or elsewhere.

XXV Over-FMR Tenancy in the HA Voucher Program

At the request of the family, the HA may approve an over-FMR tenancy at its discretion. However, the HA will approve an over-FMR tenancy if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

If an over-FMR tenancy if necessary the HA will approve the request if the number of such tenancies currently is ten percent or less of the number of incremental voucher units under the HUD-approved budget for the HA voucher program. "Incremental units" means the number of budgeted voucher units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance. Records will be maintained to prevent exceeding the applicable limits (10%).

The HA may not approve an over-FMR tenancy unless the HA determines that the initial family share is reasonable. In making this determination, the HA will take into account other family expenses, such as childcare, unreimbursed medical expenses, and other appropriate family expenses as determined by the HA. During an over-FMR tenancy, the amount of the housing assistance payment is determined in accordance with Sec. 982.505(c). The HA will approve on case-by-case consideration of individual requests.

XXVI Special Housing Types

Special housing types are housing arrangements designed for a determined clientele with specific characteristics. The HA will not set-aside program funding for special housing types, or for a specific special housing type. The HA will permit, at its own discretion and on a case-by case, families to chooses whether to rent housing that qualifies as a special housing type. If a case to occupy a special housing type is approved the HA will not restrict the family's freedom to choose among available units.

However, the HA will permit the use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. The following are the special housing types:

- (1) Single room occupancy (SRO) housing;
- (2) Congregate housing;
- (3) Group home;

Toa Baja Housing Authority	Page 42 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (4) Shared housing;
- (5) Cooperative (including mutual housing);
- (6) Manufactured home

XXVII Use of the Administrative Fee Reserve

The Administrative fee reserve (formerly "operating reserve") account is established by the HA from excess administrative fee income. The administrative fee reserve must be for approved HUD purposes.

In accordance, the Executive Director of the Housing and Community Development Office may authorize the use of such reserve for the following purposes:

- (1) Payment of any late payment fee in accordance with State or local law that became due when the HA fails to make timely housing assistance payment to the owners of assisted housing under the program.
- (2) Payment of program administrative expenses in excess of administrative fees paid by HUD for an HA fiscal year
- (3) If the reserve is not needed to cover HA administrative expenses (to the end of the last expiring funding increment under the consolidated ACC), the HA may use these funds for other housing purposes permitted by State and local law.

The maximum amount that may be charged against the administrative fee reserve without specific HUD approval is 30 percent of the balance of the reserve.

XXVIII Informal review procedures for applicants

(a) Process

HA will give prompt notice, within 30 days of processing the application, to an applicant for its decision for denying assistance. The notice will contain a brief statement of the reasons for the HA decision and the applicant right to request an informal review of the decision including the process to request such informal hearing

The applicant must request by writing an informal hearing, within 30 calendar days of receiving the notice of denying assistance. The HA will analyze such request and will determined based on part (b) of this section if such hearing is warranted. If the hearing should proceed the HA will provide the applicant advance notice (20 calendar days in advance) of the place and time of such hearing.

The HA will designate a person, other than a person who made or approved the decision under review or a subordinate of this person, to conduct the hearing. The hearing will be conducted at the Housing and Community Development Office, unless

Toa Baja Housing Authority	Page 43 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



other place is necessary to provide reasonable access to an applicant with disabilities. The applicant may retain legal or other counsel at it owns expense.

The family will be given the opportunity to examine at HA offices and before the HA hearing any HA documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense. If the HA does not make the document available for examination on request of the family, the HA may not rely on the document at the hearing.

The HA must be given the opportunity to examine at HA offices and before the HA hearing any family documents that are directly relevant to the hearing. The HA must be allowed to copy any such document at the HA's expense. If the family does not make the document available for examination on request of the HA, the family may not rely on the document at the hearing.

At the hearing the applicant and or counsel will have the opportunity to present written or oral objections to the HA decision. After the hearing is concluded the HA will notify in writing the applicant of the HA final decision after the informal review, including a brief statement of the reasons for the final decision.

(b) Informal Review Not Required

The HA will not provide applicants with an opportunity for an informal review for any of the following:

- (1) Discretionary administrative determinations by the HA as provide in this Administrative Plan.
- (2) General policy issues or class grievances.
- (3) A determination of the family unit size under the HA subsidy standards.
- (4) An HA determination not to approve an extension or suspension of a voucher term.
- (5) An HA determination not to grant approval to lease a unit under the program or to approve a proposed lease.
- (6) An HA determination that a unit selected by the applicant is not in compliance with HQS.
- (7) An HA determination that the unit is not in accordance with HQS because of the family size or composition.

(c) Restrictions On Assistance For Noncitizens

The notice of denial of assistance on the basis of ineligible immigration status will advise the family:

Toa Baja Housing Authority	Page 44 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (1) That financial assistance will be denied and provide a brief explanation of the reasons for the proposed denial of assistance;
- (2) That the family has a right to request an appeal to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal
- (3) That the family has a right to request an informal hearing with the HA either upon completion of the INS appeal or in lieu of the INS appeal.

The family must request a hearing by writing to the HA within 30 days of receipt of the notice of denial of assistance , or within 30 days of receipt of the INS appeal decision.

The family shall be provided the opportunity to examine and copy at the individual's expense, at least 20 calendar days in advance of the hearing, any documents in the possession of the HA pertaining to the family's eligibility status including any records and regulations that may be relevant to the hearing.

The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings . The family will be entitled to arrange for an interpreter to attend the hearing and to have the hearing recorded by audiotape, at the expense of the family.

The responsible entity shall provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 days of the date of the informal hearing. The decision shall state the basis for the decision. A decision against a family member, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

The responsible entity shall retain for a minimum of 5 years the documents that may have been submitted to the HA, or provided to the HA as part of the INS appeal or the informal hearing process:

- (1) The application for financial assistance;
- (2) The form completed by the family for income reexamination;
- (3) Photocopies of any original documents (front and back), including original INS documents;
- (4) The signed verification consent form;
- (5) The INS verification results;
- (6) The request for an INS appeal;
- (7) The final INS determination;
- (8) The request for an informal hearing; and
- (9) The final informal hearing decision

Toa Baja Housing Authority	Page 45 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



XXIX Informal hearing procedures for participants

The HA will give a participant family an opportunity for an informal hearing to consider whether HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and HA policies.

(a) Process

The participant must request by writing an informal hearing, within 30 calendar days of receiving notice of the adverse determination. The HA will analyze such request and will determine based on part (b) of this section if such hearing is warranted. If the hearing should proceed the HA will provide the applicant advance notice (20 calendar days in advance) of the place and time of such hearing.

The HA will designate a person, other than a person who made or approved the decision under review or a subordinate of this person, to conduct the hearing. The hearing will be conducted at the Housing and Community Development Office, unless other place is necessary to provide reasonable access to an applicant with disabilities. At its own expense, a lawyer or other representative may represent the family.

At the hearing the HA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

The HA is not bound by a hearing decision:

- (1) Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the HA hearing procedures.
- (2) Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
- (3) If the HA determines that it is not bound by a hearing decision, the HA will notify the family within 30 calendar days of the determination, and of the reasons for the determination.

Toa Baja Housing Authority	Page 46 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



(b) Informal Review Required

Informal hearings will be to consider whether the following HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and HA policies:

- (1) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- (2) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
- (3) A determination of the family unit size under the HA subsidy standards.
- (4) A determination that a program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.
- (5) A determination to terminate assistance for a participant family because of the family's action or failure to act (see Sec. VII(b) of this Plan).
- (6) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules. (see Sec. IV(c) of this Plan).
- (7) In the cases described in paragraphs (4)(5) and (6), the HA will give the participant the opportunity for an informal hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

(c) Informal Review Not Required

The HA will not provide applicants with an opportunity for an informal review for any of the following:

- (1) Discretionary administrative determinations by the HA.
- (2) General policy issues or class grievances.
- (3) Establishment of the HA schedule of utility allowances for families in the program.
- (4) An HA determination not to approve an extension or suspension of a voucher term.
- (5) An HA determination not to approve a unit or lease.
- (6) An HA determination that an assisted unit is not in compliance with HQS. (However, the HA will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in Sec. (b)(7) above.
- (7) An HA determination that the unit is not in accordance with HQS because of the family size.
- (8) A determination by the HA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

Toa Baja Housing Authority	Page 47 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



In the cases described in paragraphs (b)(1)(2) and (3) of this section, the HA will notify the family that they may ask for an explanation of the basis of the HA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision, not to exceed 30 calendar days from the date of the notice.

The family will be given the opportunity to examine at HA offices and before the HA hearing any HA documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense. If the HA does not make the document available for examination on request of the family, the HA may not rely on the document at the hearing.

The HA must be given the opportunity to examine at HA offices and before the HA hearing any family documents that are directly relevant to the hearing. The HA must be allowed to copy any such document at the HA's expense. If the family does not make the document available for examination on request of the HA, the family may not rely on the document at the hearing.

In the cases described in paragraphs (b)(4)(5) and (6), the HA will provide written notice to the family that they may request a hearing. The notice will also:

- (1) Contain a brief statement of reasons for the decision,
- (2) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
- (3) State the deadline for the family to request an informal hearing, not to exceed 30 calendar days from the date of the notice.
- (4) State the family opportunity to examine at HA offices and before the HA hearing any HA documents that are directly relevant to the hearing.
- (5) State the HA opportunity to examine at HA offices and before the HA hearing any family documents that are directly relevant to the hearing.

(d) Restrictions On Assistance For Noncitizens

The notice of termination of assistance shall advise the family:

- (1) That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;
- (2) That the family may be eligible for proration of assistance as provided under Sec. 5.520;
- (3) In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families in Secs. 5.514 and 5.518;

Toa Baja Housing Authority	Page 48 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



- (4) That the family has a right to request an appeal to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal in accordance with the procedures of paragraph (e) of this section;
- (5) That the family has a right to request an informal hearing to the HA either upon completion of the INS appeal or in lieu of the INS appeal

The family must request a hearing by writing to the HA within 30 days of receipt of the notice of denial of assistance , or within 30 days of receipt of the INS appeal decision.

The family shall be provided the opportunity to examine and copy at the individual's expense, at least 20 calendar days in advance of the hearing, any documents in the possession of the HA pertaining to the family's eligibility status including any records and regulations that may be relevant to the hearing.

The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family will be entitled to arrange for an interpreter to attend the hearing and to have the hearing recorded by audiotape, at the expense of the family.

The responsible entity shall provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 days of the date of the informal hearing. The decision shall state the basis for the decision. A decision against a family member, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

The responsible entity shall retain for a minimum of 5 years the documents that may have been submitted to the HA, or provided to the HA as part of the INS appeal or the informal hearing process:

- (1) The application for financial assistance;
- (2) The form completed by the family for income reexamination;
- (3) Photocopies of any original documents (front and back), including original INS documents;
- (4) The signed verification consent form;
- (5) The INS verification results;
- (6) The request for an INS appeal;
- (7) The final INS determination;
- (8) The request for an informal hearing; and
- (9) The final informal hearing decision

Toa Baja Housing Authority	Page 49 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



XXX Changes April 15, 2007

VAWA Compliance

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

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

Sexual Offenders

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

Sex Related Criminal Activity

Anyone convicted of any type of sexual offense whether subject to lifetime registration requirement under state law or not required to register shall not be admitted to the Housing Choice Voucher Program.

In an effort to exclude "dangerous sex offenders" from the Housing Choice Voucher program, federal law prohibits anyone subject to state sex offense registries from

Toa Baja Housing Authority	Page 50 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



admission or participation at the program. This lifetime exclusion from the program will protect children and other victims from violent, repeat sexual predators. In compliance with this requirement the Municipality will terminate assistance to any household in which a member is convicted for a sexual offense or who is subject to the lifetime registration or has been convicted for a sexual offense or who is subject to the lifetime registration.

XXXI Changes April 2008

Preferences	
1	Persons with disabilities (any member of the family)
	Hate crime victims
	Home Fire Victims
2	Victims of Domestic violence (Must provide current court order)
3	Evictions (Must provide evidence of eviction notice)
4	Elderly Persons
5	Toa Baja's Residents

Preference Definitions

- Persons with Disabilities:*** This preference will apply to all family members living under the same roof.
- Hate Crimes:*** This preference will apply to persons that have been victims, witnesses, or have been relate in any way to hate crimes.
- Evictions:*** This preference will apply to families with children that have been issued final court orders specifying that they need to leave the property on a specific date.
- Victims of Domestic Violence:*** This preference will apply only to victims with a current protection order.
- Elderly Persons:*** This preference will apply to persons of sixty two years (62) old and over.
- Home Fire Victims:*** This preference will apply to victims that had suffered fire destruction. If the victim is the **home owner** and qualifies because of low income, the program will provide a temporary voucher for up to 12 months. The voucher will be extended only with the authorization of the program and upon through

Toa Baja Housing Authority	Page 51 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008



evaluation of the case. If the victim is **renting the property** and qualifies under the Section 8 program income specifications, the program will grant the victim a voucher with preference (with no due date)

Toa Baja's Residents:

The Section 8 program will attend Toa Baja's residents before any applicant from other municipalities.

Toa Baja Housing Authority	Page 52 of 52
Administrative Plan	Version 1.0
Section 8 Housing Program	Release Date April 2008