PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011

1.0 PHA Information

PHA Name: MUNICIPALITY OF UTUADO PHA Code: RQ033

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

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

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

Number of PH units: _____ Number of HCV units: 197

3.0 Submission Type

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

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

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

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

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

Promote adequate and affordable housing, economic opportunity and suitable living environment to all qualifying low income families.

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

1. Expand supply of existing housing, 2. Improve the quality of assisted housing, 3. Increase existing housing choices, 4. Ensure equal opportunity and affirmatively further fair housing.

6.0 PHA Plan Update

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

PHA Administrative Plan

(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.

Section 8 main administrative office: Calle Progreso #3 Esquina Santana Montalvo –Utuado, PR

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. *Include statements related to these programs as applicable.* **N/A**

8.0 Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable. N/A

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the *Capital Fund Program Annual Statement/Performance and Evaluation Report,* form HUD-50075.1, for each current and open CFP grant and CFFP financing. **N/A**

8.2 Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan,* form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. **N/A**

8.3	**Capital Fund Financing Program (CFFP).** ☐ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. N/A
9.0	**Housing Needs**. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. The Utuado Housing Authority (UHA) administers a Section 8 HCV Program and maintains a Waiting List sufficient to meet lease-up needs on a year basis. The waiting list is closed. UHA voucher policy is to issues on a first-come, first-serve basis using preferences mentioned in the Administrative Plan such as: Involuntary displacement, victims of domestic violence (VAWA), homeless, elderly and handicapped. Among applicants on the waiting list with equal preference status, applicants are selected by date and time of application form filled. Collectively, the waiting list comprise approximately, Extremely Low Income 57%, Very Low Income 25%, Low Income 19%, Single parent families 94%, Elderly 4%, Families w/disabilities 2% and 100% are Hispanic and Spanish speaking.
9.1	**Strategy for Addressing Housing Needs**. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.** In order to address housing needs among active participants, UHA will promote the subsidized rental program to private sectors emphasizing on the benefit of exemption of the Special Contributions and if needed will expand its housing assistance to adjacent municipalities. As for applicants on the waiting list, UHA will purge it's waiting list on a trimestral basis to ensure that applicants awaiting voucher issuance are in need of assistance.
10.0	**Additional Information**. Describe the following, as well as any additional information HUD has requested. (a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. UHA achieves its mission of providing rental subsidies to extremely low and very low income families to allow them to afford safe, decent and sanitary housing. During CY 2009, UHA was successful in utilizing of its HUD-allocated housing assistance funding. The goals of improving the quality of assisted housing, increasing assisted housing choices, and ensuring equal opportunity in housing are achieved through ongoing policy, and HQS requirements enforcement. Our goal of promoting self-sufficiency as asset development of assisted households is been achieved increasing the number of employed persons in assisted families. During CY 2009, two (2) FSS were hired in new jobs. (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" **Significant Amendment** shall be defined as any expansion of programs and/or services provided by the PHA (Utuado Housing Authority) beyond those stated in the current Five-year and/or Annual Plans. **Substantial Deviation /Modification** shall be defined as any significant shift in mission and/or objectives beyond those stated in our current Five Year and/or Annual Plans.

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)

PHA Certifications of Compliance with PHA Plans and Related Regulations	U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011

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

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

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
   - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
   - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

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

MUNICIPALITY OF UTUADO	RQ 033
PHA Name	PHA Number/HA Code

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

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

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

Name of Authorized Official	Title
HON. ALAN J. GONZALEZ CANCEL	MAYOR
Signature	Date
	APRIL 11, 2010

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 Utuado	RQ-033
PHA Name	PHA Number/HA Code

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

Name of Authorized Official	Hon. Alan González Cancel	Title	Mayor
Signature		Date	04/11/2010

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

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

I, Omar Negron Judice the OCMA Commissioneer certify that the Five Year and Annual PHA Plan of the Municipality of Utuado is consistent with the Consolidated Plan of Commonwealth of Puerto Rico prepared pursuant to 24 CFR Part 91.

Signed / Dated by Appropriate State or Local Official

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Municipality of Utuado (RQ-033)

Program/Activity Receiving Federal Grant Funding

HUD Housing Choice Voucher Assistance Program (Section 8)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Within the Municipality of Utuado

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

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

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

Name of Authorized Official	Title
Hon. Alan González Cancel	Mayor

Signature	Date
X	April 11, 2010

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

ESTADO LIBRE ASOCIADO DE PUERTO RICO
GOBIERNO MUNICIPAL DE UTUADO
OFICINA DEL ALCALDE
PROGRAMA DE VIVIENDA SUBSIDIADA

AVISO PUBLICO

El Gobierno Municipal de Utuado, ha preparado el Plan Anual del Programa de Sección 8 para el Año Fiscal 2010-2011, así como el Plan de Cinco Años 2010-2015. Los Planes y todos los documentos asociados a éstos, están disponibles para ser examinados por los participantes del programa, organizaciones sin fines de lucro, el público en general y todos aquellos interesados; en las oficinas administrativas del Programa de Sección 8 del Municipio de Utuado durante horas regulares de trabajo.

El Plan Anual del Programa de Sección 8 del Municipio de Utuado contiene las estrategias que seguirá el programa para atender las necesidades de vivienda de familias de ingresos bajos y muy bajos. En el Plan Anual se incluye además, la Misión, Objetivos y Metas que ha establecido el Municipio para la operación de su Programa de Renta Subsidiada

Las personas interesadas en emitir comentarios sobre el Plan, podrán presentarlos personalmente o por escrito en la Oficina del Programa de Sección 8 a cualquiera de las siguientes direcciones:

Física

Oficina de Sección 8
Programa de Vivienda Subsidiada
Calle Progreso Núm. 3 B
Utuado, PR 00641

Postal

Oficina de Alcalde
Programa de Vivienda Subsidiada
Apartado 190
Utuado, PR 00714

Además, se invita a la ciudadanía en general a participar de la Vista Pública que se llevará a cabo en la siguiente fecha, hora y lugar:

17 de marzo de 2010 a las 10:00 a.m.
Facilidades de la Oficina de Sección 8 del Municipio de Utuado
Calle Progreso Núm. 3B
Dichas Facilidades cumplen con los requisitos de la Ley ADA

El propósito de esta Vista Pública es la de recoger comentarios adicionales sobre el Plan. El lugar seleccionado para realizar esta Vista Pública es de fácil acceso a personas con impedimentos físicos. De requerir asistencia especial, deberán comunicarse con la Oficina del Programa de Sección 8 antes del día de la Vista Pública al teléfono (787)814-5841.

Hon. Alan González Cancel
Alcalde

Sr. Jorge Collazo Rivera
Director Oficina Programas Federales

Oficina Sección 8
PO Box 190
Utuado, Puerto Rico 00641

Programas Federales

CERTIFICACION

Se ha posteado un aviso publico en diferentes oficinas localizadas dentro del Municipio de Utuado anunciando la Vista Publica del Plan Anual 2010-2011 y Plan de Cinco Años 2010-2015 para la oficina de alquiler subsidiado Sección 8.

Las firmas a continuación corresponden a un representante autorizado de cada agencia quien certifica y a la vez autoriza postear el aviso.

Sr. Manuel Cruz – Dept. de la Familia	27 de enero de 2010
Sra. Yomaira Torres González – CRIM/IVU	27 de enero de 2010
Sr. Jorge Hernández Pérez – A.E.E.	27 de enero de 2010
Sr. Jesús Santiago – US Post Office	27 de enero de 2010
Sr. Luis Rodríguez – A.A.A.	27 de enero de 2010
Sr. Jorge Collazo Rivera – Director Prog. Fed.	27 de enero de 2010
Sra. Iris Soto González – Directora Rec. Humanos	27 de enero de 2010

3 Calle Progreso Esquina Santana Montalvo *Tel: (787) 814-5841 / 814-0868 Fax: (787) 894-3689*

MUNICIPAL GOVERNMENT OF UTUADO

UTUADO PUBLIC HOUSING AUTHORITY

Utuado, Puerto Rico

Alan J. Gonzáles Cancel
Mayor

PUBLIC HEARING
HOUSING VOUCHER PROGRAM
SECTION 8 ANNUAL PLAN 2010-2011

DATE: March 17, 2010; 10:00 am
SECTION 8 ADMINISTRATIVE OFFICE, CONFERENCE ROOM

NAME	SIGNATURE	PHYSICAL ADDRESS
Maria Dominicci	Maria Dominicci	Calle Progreso Laguna Santurce Hato Rey
Maria de los Angeles	Maria de los Angeles	Calle progreso #5
Edith Medina	Edith Y. Medina	Seccion 8

MUNICIPAL GOVERNMENT OF UTUADO
Utuado Public Housing Authority
Section 8 - RQ033

RESIDENT ADVISORY BOARD MEMBERS

María Dominici Rodríguez.....President
Calle Santana Montalvo #14
Utuado, Puerto Rico 00641

María De Los A. Marengo Miranda.....Secretary
Calle Progreso #5
Utuado, Puerto Rico 00641

Julia E. Torres Maldonado.....Member
Ave. Esteves #58
Utuado, Puerto Rico 00641

Lydia Guzmán Serrano.....Member
P.O. Box 269
Angeles, Puero Rico 00611

This RAB member's expires on December 31,2010.

ATTACHMENT 4: CITIZEN AND/OR RAB COMMENTS

No comments were received during comments period.

No comments were received on public hearing. Only PHA and Program employees meet the public hearing.

MUNICIPALITY OF UTUADO
HOUSING CHOICE VOUCHER
PROGRAM

Administrative Plan

Last Revision: April 2008
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PART I:
INTRODUCTION

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

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 tenant-based assistance program, are described in and implemented through this Administrative Plan.

As a result of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), the Rental Certificate and Rental Voucher Programs are to be phased out no later than the middle of year. This plan includes the policies of the Public Housing Authority (FHA) for the rental certificate and rental voucher programs during transition as well as the Housing Choice Voucher Program.

Administration of PHA's Section 8 program and the functions and responsibilities of the PHA staff shall be in compliance with PHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 regulations as well as Federal, state and local fair housing laws and regulations.

A. STATEMENT OF OBJECTIVES AND POLICIES [24 CFR.982.1]:

The Section 8 program is designed to achieve three major objectives:

1. To provide decent, safe and sanitary housing for low and very low income families while maintaining their rent payments at an affordable level.

2. To promote freedom of housing choice for all races and ethnic backgrounds.

3. To encourage the participation of private property owners by offering reasonable rents and timely assistance payments.

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

1. To assist the local economy by increasing the occupancy rate and improving economic revenue for the community.

2. Ensuring equal opportunity in housing for all families.

3. Promoting self-sufficiency of participant families.

B. JURISDICTION

Section 8 Program Department, Municipality of Utuado, Ave. Morell Utuado, PR 00641

C. PURPOSE OF THE ADMINISTRATIVE PLAN [24CFR.982.541]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives. The plan covers both admission to the Housing Choice Voucher Program and continued participation in the rental certificate and rental voucher programs. Policies are the same for both programs unless otherwise noted.

This plan includes discretionary policies permitted by regulation. All issues related to Section 8 that are not addressed in this document are governed by Federal regulations, HUD Memos, Notices and guidelines, or other applicable laws.

PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. Any changes to this plan must be approved by the Mayor.

D. ADMINISTRATIVE FEES

PHA will maintain Section 8 administrative fee reserves by crediting earned administrative fees that exceed expenditures for program administration during the fiscal year to the reserve account.

Administrative fee reserves may be used for other housing purposes if the reserves are not needed for ongoing administrative expense.

PHA will deny authorization for expenditures for unallowable costs as defined by HUD.

E. FAIR HOUSING AND EQUAL OPPORTUNITY POLICY [24 FR.982.54]

It is the policy of PHA to comply fully with all federal, state, and local non-discrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

PHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Program *on* the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, disability or sexual orientation.

To further its commitment to fully comply with applicable civil rights laws, PHA will provide Federal, state and local information to certificate and voucher holders regarding "discrimination" and any recourse available to them if they are victims of discrimination. Such information will be made available during the family briefing session. As part of its briefing, PHA will provide families with the HUD Fair Housing Information and Discrimination Complaint Form directing the family to report suspected discrimination to HUD. PHA will also provide referrals and information to applicants and participants about local organizations that provide assistance in filing discrimination complaints.

No individual with disabilities shall be denied the benefits or excluded from participation, or otherwise be subjected to discrimination, because PHA's facilities are inaccessible to, or unusable by, persons with disabilities.

Posters and housing information will be displayed in locations throughout PHA's Section 8 office in such a manner as to be easily readable from a wheelchair.

PHA ADDRESS: Ave Morell, esq. Calle Antonio R. Barceló Utuado, PR 00641

F. ACCOMMODATIONS POLICY [24 CFR Parts 7,8 and 7001]

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

It is the policy of PHA to be service-oriented in the administration of our housing programs and to exercise and demonstrate a high level of professionalism while providing housing services to participant families.

PHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the Section 8 program and related services. The availability of specific accommodations will be made known by providing notice of the availability of reasonable accommodations to applicants and participants during the normal course of business correspondence.

Requests for reasonable accommodations from persons with disabilities will be granted upon verification that they meet the need presented by the disability. Such accommodations include use of a personal advocate, or reader, provision of an interpreter for hearing impaired persons, and accessible office space.

All requests for accommodations will be verified with a reliable knowledgeable professional.

A list of accessible units available for rental to Section 8 recipients will be provided when requested.

G. TRANSLATION OF DOCUMENTS

To the extent that it is feasible to translate documents into other languages used by PHA clients, the following factors will be considered:

- Number of applicants and participants who do not speak English and who speak another language.
- Per client cost of translation.
- Evaluation of the need for translation by the bilingual staff and by agencies that work with non-English speaking clients.
- The availability of other organizations to translate documents, letters and forms.
- Availability of bilingual staff to explain English language documents to clients.

PART II:
DESCRIPTION OF PROGRAM

In compliance with the final rule published November 22, 1999 for the merger of Section 8 certificate and voucher programs, PHA will no longer issue Section 8 certificates. Upon selecting a unit, any current certificate holders searching for units will be leased under the new **Housing Choice Voucher Program**.

A. HOUSING CHOICE VOUCHER PROGRAM

Conversion from the Rental Certificate and Rental Voucher Programs to the Housing Choice Voucher Program.

All rental vouchers over FMR certificate tenancies became subject to requirements of the housing choice program.

The Housing Choice Voucher Program requires families to pay at least 30% of income toward rent. Rent may not exceed the payment standard of up to 40% of adjusted monthly income.

The subsidy is the difference between the total tenant payment and (1) the payment standard; or (2) the gross rent, whichever is lower.

Rent increases are not limited by the annual adjustment factor but are subject to a rent reasonableness test.

Effective October I, 1999 all new contracts executed will be for Housing Choice Vouchers. As described above, certificates and vouchers will, over time, be converted to Housing Choice Vouchers.

PART III:
PROGRAM OUTREACH

A. PRIVACY RIGHTS [24CF-982.551]

All information relating to a participant or applicant family is confidential. PHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information. PHA staff will not discuss family information contained in its files unless there is a business reason to do so.

PHA will furnish prospective owners with the family's current address, as shown in PHA's records and, if known to PHA, the name and address of the landlord for the family's current and prior address. At a prospective owner's request, PHA will also furnish information about the family's rental history, or any history of drug trafficking: see Part X, Paragraph A for further information.

PHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff

B. FAMILY OUTREACH [24 CFR-982.153(b)(1)]

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

PHA will notify other service providers in the community of the availability of assistance, housing eligibility factors and guidelines so that they can make proper referrals for housing assistance.

The PHA will monitor the receipt of applications. If the flow of applications is too rapid or too slow, an ad will be placed in the local newspapers stating the suspension of applications or encouraging more applications. Applications will be purged on a periodic basis to ensure that all information is current and the applicants are still interested in the program and still qualify for assistance.

C. OWNER OUTREACH [24 CFR.982-54, 982.1531]

The PHA Owner Outreach Program includes the following efforts to encourage owners to participate in the program and to ensure greater mobility to and housing choice in very low poverty areas:

PHA will maintain a list of interested landlords and a list of available units, both of which are updated frequently. These lists are made available to applicants and participants.

- PHA will encourage owners of decent, safe and sanitary housing units to lease to Section 8 families.

- The staff of PHA will initiate personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

- PHA contacts real estate agents and property managers to market the program and encourage their participation. In addition, printed material is provided to inform owners and managers of the program.

- PHA will make a concerted effort to contact and encourage local property owners with units specially designed or adapted for persons with disabilities, and those who may be willing to adapt units, to participate in the program.

- PHA will encourage program participation by owners of units located outside areas of poverty or, this will allow more choices and better housing opportunities for families.

PHA periodically evaluates the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.

PART IV:
WAITING LIST

FHA maintains a single waiting list for the tenant-based assistance program. The policy of PHA is to ensure that all families who express an interest in the Section 8 Program are given an

equal opportunity to apply and are treated in a fair and consistent manner. This section describes the policies and procedures for opening and closing the waiting list, completing an application for assistance, placement and denial of placement on the waiting list, maintaining the waiting list, and limitations on whom may apply.

A. OPENING AND CLOSING THE WAITING LIST [24 CPR 982.206,982.541]

As needed, PHA will open the waiting list by advertising through public notice in local newspapers, minority publications and media entities. Where applicable, the program(s) for which applications are being accepted will be specified. The notice will contain:

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

The notices will be made in an accessible format if requested (e.g., on audiotape). They will provide potential applicants with information regarding how to submit an application, eligibility requirements, and a description of local preferences. Upon request from a person with a disability, as a reasonable accommodation additional time may be allowed for submission of an application.

When the waiting list is open, all interested families and persons are given the opportunity to apply. The open enrolment period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 12 months.

In evaluating whether to close its Section 8 waiting list, PHA will consider the expected number of Vouchers to be issued per year, the number of current applicants, and the anticipated waiting time.

PHA will give at least 10 days' notice prior to closing the list. PHA will publicly advertise that it will close the waiting list, noting exceptions for local preferences and special programs targeted to a specific population.

When the period for accepting applications is over, PHA will add the new applicants to the list by order of preference, date, and time of application.

B. INITIAL APPLICATION [24 CFR 982.204; 24 CFR 5.4101]

PHA will utilize a pre- application form. The information is to be filled out by the applicant whenever possible. The purpose of the pre-application is to permit PHA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. The pre- - application will contain questions designed to obtain the following information:

- Names of adult members and age of all members Sex and relationship of all members
- Street address and phone numbers

- Mailing address (if P.O. Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information regarding disabilities (used to determine qualifications for allowances and deductions)
- Information related to qualification for preferences
- Social Security Numbers
- Requests for specific accommodation needed to fully utilize program and services Proof of citizenship
- Proof of student status
- Previous address
- Current landlord verification
- Name of emergency contact person and address
- Criminal background check (all records, once reviewed, will be discarded)
- Non-family references

PHA will inform all applicants of preferences and give each applicant an opportunity to document preference eligibility.

Duplicate applications, including applications from a segment of an applicant household, will not be accepted. Ineligible families will not be placed on the waiting list.

If, after a review of the pre-application, the family is determined to be preliminarily eligible, the family will be notified in writing (or in an accessible format upon request, as a reasonable accommodation). This written notification of preliminary eligibility will be mailed to the applicant by first class mail or given to the applicant in person.

If the family is determined to be ineligible based on the information provided in the pre-application, PHA would notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform the family of its right to an informal review.

C. MAINTAINING AND PURGING THE WAITING LIST

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

Applicants are also required to respond to requests from PHA to update information on their applications and to determine their continued interest in and need for assistance. Failure to provide information or to respond to PHA mailings that request updated information will result in the applicant being removed from the waiting list.

D. SELECTION FROM THE WAITING LIST

Applicants will be selected from the waiting list according to preference category and date and time of application, regardless of family size.

If there is insufficient funding available to assist the family at the top of the list, PHA will not admit any other applicant until funding is available for the first applicant.
PHA will maintain information that permits proper selection from the waiting list. The waiting list will be organized to contain the following information for each applicant.

- Applicant name
- Family unit size (number of bedrooms family qualifies for under PHA subsidy standards)
- Date and time of application
- Qualification for any local preference
- Racial or ethnic designation of the head of household

All preferences claimed on the pre- application or as a result of any updates to the pre-application will be verified whenever the family claims a preference. The qualification for preference must exist at the time the preference is claimed and at the time of issuance of a voucher.

When an applicant is selected from the waiting list, PHA schedules an interview to complete the full application, discuss the family's circumstances in greater detail, clarify information that has been provided by the family, and ensure that the information is complete. The interview, which must be attended by all adult family members, is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs available. During the interview, applicants will be required to complete an updated application in their own handwriting and sign and certify that all information is complete and accurate.

E. Domestic Violence Statement – Housing Choice Voucher Program

The Violence against Women Act (VAWA), Public Law 109-162 was signed into law on January 5, 2006. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 U.S.C. 1437-c-1) to require PHA's five-year and annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Section 606 and Section 607 amend the Section 8 and public housing sections of the U. S. Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking as well as members of the victims' immediate families from losing their HUD assisted housing as a consequence of the abuse of which they were the victim. While awaiting new guidelines from the Department of Housing and Urban Development for implementing VAWA the Municipality of Utuado (RQ033) has adopted the following goals and objectives, for Domestic Violence Policy:

X The VAWA applies to the Housing Choice Voucher Program.

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

X The Municipality of Utuado will notify Housing Choice Voucher owners and managers of VAWA.

X The Municipality of Utuado will notify voucher holders of their rights under VAWA including the possible portability of vouchers between jurisdictions to escape an imminent threat of further domestic violence or stalking.

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

Necessary conforming amendments to Housing Choice Voucher Program rules, regulations and paperwork will be further addressed after receipt of guidelines from the Department of Housing and Urban Development (HUD).

F. Mandatory Prohibition of Sex Offenders

The Municipality of Utuado has established standards that prohibit admission to the Program if any member of the household is subject to a lifetime registration under a State Sex Offender Registration Program (24 CFR 982.553 (2). The Municipality of Utuado RQ033 will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime Sex Offender Registration requirement in the State where the dwelling unit is located and in other States where the household members are known to have resided. The screening is to be carried out through the Puerto Rico Police Department, which issues a Certificate of Negative Penal Antecedents.

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

G.REMOVAL FROM THE WAITING LIST

Applicants shall be removed from the waiting list when:

- The applicant requests it.
- The applicant was clearly advised of a requirement to notify PHA of its continued interest by a particular time and failed to do so.
- PHA has made reasonable efforts to contact the applicant to determine if there is continued interest, but has been unsuccessful.
- The PHA applicant is ineligible.
- The applicant provided invalid or false documents for verification of eligibility.
- The applicant was a past participant in the Section 8 Program or a former public housing tenants who failed to satisfy liability for unpaid rent or tenant damages.
- The applicant has committed fraud in a Federal Housing Assistance Program or violated family obligations under the Section 8 Program.
- The applicant has a felonious history in the manufacture, sale or distribution or the possession with intent to manufacture, sell or distribute a controlled substance within five (5) years;
- The applicant has a violent criminal history and has used or threatened to use physical force against the person or property of another, including PHA employees within five (5) years;
- The applicant has a non-violent felonious history or repetitive criminal history that may

negatively impact the residents/participants, staff; PHA, programs, community and other such entities within the past five-(5) years.

- The applicant's abuse of alcohol has interfered with the rights of other tenants, or with the applicant's ability to meet other requirements of tenancy.

  The applicant is a State Registered Sex Offender.

- PHA receives negative information regarding the applicant's rental history.

- The applicant has been terminated from any housing program within the past five- (5) years for acting in violation of the program requirements, or failing to act in accordance with program requirements.

- The family completed all requirements of a Family Self-Sufficiency Contract of Participation within the past two years.

- The applicant fails to respond to one PHA written communication regarding failure to comply with application update, interview, or briefing requirements. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

- The applicant refuses the offer of a Voucher.

PART V:
WAITING LIST PREFERENCES

It is PHA's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list using the preferences that PHA has adopted to meet local housing needs.

A. PREFERENCES

Applicants will be selected according to the preferences listed below. All preferences claimed must be supported by verification of the circumstance claimed. Points are assigned to each preference category listed. Applicants will be selected in order based upon highest number of points assigned. In all cases where families may have the identical preference points, then date and time of application will govern selection. Local preferences will be weighted as follows:

<u>Former Federal Preferences</u>:

1. Victims of domestic violence
2. Homelessness

Local Preference

1. Elderly
2. Handicapped persons
3. Elderly and handicapped persons
4. Involuntary Displacement (Disaster government action, action of housing owner but not lack of rent payment).

B. VERIFICATION OF PREFERENCES [24 CFR 5.41]

Preference information on applicants will be updated as applicants are selected from the waiting list.

If PHA denies a preference, PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting. If the preference denial is upheld, as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list.

C. SPECIAL ADMISSIONS [24CFR 982.203, 982.5]

If HUD awards PHA funding that is targeted for specifically named families, PHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. PHA maintains separate records of these admissions.

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

- A family displaced because of demolition or disposition of a public or Indian housing project.
- A family residing in a multi-family rental housing project when HUD sells forecloses or demolishes the project.
- Housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990.
- 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.
- A non-purchasing family residing in a HOPE I or HOPE 2 project.

D. TARGETED FUNDING [24 CER 982.203]

If HUD awards special funding for certain family types or specific eligibility criteria, families

whom qualify are selected from the existing waiting list. Additionally, applicants who meet specific program criteria will be allowed to submit an application, notwithstanding if the waiting list is closed. Assistance is offered to the first (based on date of application) eligible family on the waiting list meeting the targeted funding criteria. PHA currently administers the following "Targeted" Program:

E. INCOME TARGETING [24 CFR 982.201]

A minimum of 75% of the families admitted to PHA's Section 8 program during each fiscal year must be extremely low-income families. An extremely low-income family is one whose annual income does not exceed 30% of the area median income.

IPHA will monitor admissions to the Section 8 program at the end of each quarter throughout the fiscal year. If, at the end of any quarter, extremely low-income families make up less than 75% of admissions for the fiscal year to date, PHA will give priority to extremely low-income families in each of the established preference categories (skipping over the higher income families on the waiting list) until extremely low-income admissions again make up 75% of the admissions during the fiscal year. Once the 75% target is reached, PHA will go back to those higher income families previously skipped.

PART VI:
DETERMINATION OF ELIGIBILITY

PHA staff will carefully review all information provided by the family and without regard to factors other than those defined in this chapter. Families will be provided the opportunity to explain their circumstances, furnish additional information if needed, and receive an explanation of the basis for any decision made by PHA pertaining to their eligibility.

A. ELIGIBILITY FACTORS

To be eligible for participation, an applicant must meet the following criteria.

1. An applicant must be a "family" as defined in paragraph VI.B.

2. An applicant must be within the appropriate Income Limits.

3. An applicant must provide documentation of Social Security Numbers for all family members, or certify if a family member does not have a Social Security Number and when they expect to have it.

4. Each member of the applicant household must declare citizenship or immigration status. Non-citizens must provide verification of their status.

5. No member of the household may have been evicted from public housing, Indian housing, Section 23, Section 236 or any Section 8 program for drug-related criminal activity or any negative eviction for five (5) years prior to the date of application.

6. The head of household must be 21 years of age or an emancipated minor.

B. FAMILY COMPOSITION [24 CFR 5.403,982.2011]

The applicant must qualify as a family. A family is defined as:

1. A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.

    - Children temporarily absent from the home due to placement in foster care are considered family members.

    - Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. An elderly family, which is:

    - A family whose head, spouse, or sole member is a person who is at least 62 years of age;

    - Two or more persons who are at least 62 years of age living together; or

    - One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A near-elderly family, which is:

    - A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;

    - Two or more persons, who are at least 50, years of age but below the age of' 62, living together; or

    - Two or more persons, who are at least 50, years of age but below the age of 62, living with one or more live-in aides.

4. A disabled family, which is:

    - A family whose head, spouse, or sole member is a person with disabilities; Two or more persons with disabilities living together; or

    - One or more persons with disabilities living with one or more live-in aides.

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

5. A remaining member of a tenant family.

6. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

All family members are subject to HUD rules regarding income and allowances.

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

- Is determined to be essential to the care and well-being of an elderly person, a near elderly person, or a person with a disability;
- Is not obligated for the support of the person(s); and would not be living in the unit except to provide care for the person(s). A live-in aide is treated differently than family members:
- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits;
- Live-in aide is not subject to Non-Citizen Rule requirements; and
- Live-in aide will not be considered as a remaining member of the applicant or participant family.

A live-in aide may only reside in the unit with the prior written approval of PHA and owner. Written verification will be required from the doctor providing the particular care. The verification must specifically state that a live-in aide is essential for the daily care of the family member who is elderly, near-elderly or disabled. Live-in aide must provide proof of certification and qualifications. Certifications and qualifications must be from an accredited institution. This certification must be verified and approved by PHA.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements of the definition described above. The Owner of the assisted unit cannot serve as live-in aide.

The live-in aide's family members may also reside in the unit with PHA's and owners prior written approval. The presence of the live-in aide's family members must not overcrowd the unit.

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

- Commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- Commits drug-related criminal activity or violent criminal activity;
- Currently owes rent or other amounts to PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act; or
- Does not qualify under the eligibility criteria described in this Plan.

C. INCOME LIMITATIONS [24 CFR.982.201, 982.353]

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

- Very low income family, as defined by the very low income limits published by HUD in the Federal Register; or

- Low income family in any of the following categories:

  - Continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act Program within 60 days prior to Voucher issuance. The Program includes Public Housing, all Section 8 programs, and all other federally subsidized rental programs.

  - Physically displaced by rental rehabilitation activity under 24 CFR Part 511

  - Non-purchasing family residing in a HOPE 1 or HOPE 2 project.

  - Non-purchasing family residing in a project subject to a homeownership program under 24 CR 248.173.

  - Displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

  - Residing in a HUD-owned multifamily rental housing project when the project is sold, foreclosed or demolished by HUD (Certificate Program only).

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

For initial lease-up, incoming portable families who have never previously leased with Section 8 assistance must be within the income limits for Puerto Rico. If the family has previously leased under the Section 8 program and is moving with assistance using portability provisions, income limits do not apply.

D. SUITABILITY OF FAMLY [24 CFR.982.307]

PHA may take into consideration any of the grounds for denial of admission but may not otherwise screen for factors which relate to the suitability of the applicant family as participants. It is the responsibility of the owner to screen the applicant as to their suitability for tenancy.

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

PHA will recommend those prospective owners screen tenants for suitability.

E. CHANGES IN ELIGIBILITY PRIOR TO ISSUANCE

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

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is complete, PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by PHA, and the current eligibility criteria. PHA will notify the family in writing as to their eligibility for the Section 8 Program. If the family is determined to be eligible, PHA will schedule a briefing and mail an application update for re-certification. During the briefing, the applicant is issued a Voucher and the informational packet is provided and reviewed.

G. NOTIFICATION TO INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing within 10 business days of the reason for denial of assistance. This notification will include the opportunity to request, within 10 business days of notification, an informal review. If they were denied due to non-citizen status they are entitled to an informal hearing. See Part VII for information about reviews and hearings.

H. UPFRONT INCOME VERIFICATION

The Up-Front Income Verification (UIV) system is designed to provide a single source of income data to public housing agencies. The data received is used only for the purpose of verifying a tenant's income in determining their eligibility for various public housing programs. The U.S. Department of Housing and Urban Development (HUD) has mandated that all public housing authorities revise language in the Admissions and Continued Occupancy Policy (ACOP) implementing the use of the Up-Front Income Verification System and Security Policy. Via the Internet, the Housing Department of the Municipality of Utuado will utilize the UIV system as its first source to verify public housing residents and applicants' incomes. The Security policy provides the guidance, controls and safeguards that will be used to protect the confidentiality of residents and applicants' wage information gathered through the system.

The Housing Department of the Municipality of Utuado utilizes the Up-front Income Verification (UIV) system to validate income information reported by participants in both the public housing and Section 8 programs. The UIV system electronically utilizes independent sources, such as those maintained by HUD through the TASS system, the Social Security Administration, State Wage Information Collection Agencies, and the Credit Bureau Agencies, to confirm income figures provided at application and re-certification. Knowingly underreporting income may result in the assessment of back charges, and termination of assistance.

HUD has implemented the use of "up-front" techniques for tenant income verification. HUD believes "up-front" techniques will greatly reduce the error rate in applicant/tenant income reporting; verification of information by PHAs; and rent calculations. Additionally, PHAs that use "up-front" verification techniques make it a practice to notify applicants and tenants that this method will be used to clarify or recheck reported applicant/tenant income. This step is critical to reduction in applicant/tenant fraud.

The Housing Department of the Municipality of Utuado uses the following resources when attempting to do “up-front” verification:

1. **TASS:** Matches Social Security (SS) and Supplemental Security Income (SSI) to comparable tenant data from MTCS and TRACS databases. HUD provides Internet-based access to SS and SSI benefit information. Each month, HUD extracts tenant data from MTCS and TRACS for families with initial examinations or re-examinations completed 8 to 9 months prior to the current month (i.e., for families who will be re-examined in 3 to 4 months). The SS and SSI reports are placed on the Internet on or about the 15th to the 20th of each month. This matching effort provides quick and easy verification of SS and SSI benefits, and provides information on individuals who have unreported or underreported SS or SSI benefits. Technical assistance on TASS can de found at http://www.hud.gov/reac/products/tass/tass_guide_ssi.html

2. The Municipality of Utuado will also use the following HUD approved income verification methods such as: Social Security Benefit Reports, employment verifications and a valid credit history report among other means.

The use of “up-front” techniques will assist the Housing Department of the Municipality of Utuado to identify potential discrepancies between resident reported and PHA verified income reported through one of the previously mentioned resources.

PART VII:
SUBSIDY STANDARDS

This Part describes the subsidy standards used to determine the Voucher size issued to families when they are selected from the waiting list, as well as PHA’s procedures when a family's size changes or a family selects an unit size that is different from the family's Voucher. All units are subject to PHA approval.

A. DETERMINING VOUCHER SIZE [24 CFR 982.402]

PHA’s subsidy standards used to determine Voucher size should be applied in a manner consistent with Fair Housing guidelines. PHA does not determine who shares a bedroom or sleeping room, but the family must include at least one person per bedroom. All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements. The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

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

- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 3 years of age).

- Foster children will be included when determining unit size if they are expected to be in the unit for more than six months.

- Space will be provided for a child who is away at school or a spouse who is away in the military.

- Single persons shall be provided a one-bedroom Voucher.
- A family that consists of a pregnant woman (with no other persons) will be treated as a two- person family [24 CFR 982.402(5)].
- Adults of the same sex may share a bedroom.
- Non-custodial parent not eligible for additional bedroom size.
- Children under the age of 3 may share a bedroom with a parent.
- A live-in attendant will generally be provided a separate bedroom.

GUIDELINES FOR DETERMINING CERTIFICATE OR VOUCHER SIZE

Certificate Voucher Size	Persons in Household	Persons in Household
	(Minimum #)	(Maximum #)
Efficiency 0	1	1
1 Bedroom	1	2
2 Bedroom	2	4
3 Bedroom	3	6
4 Bedroom	5	8
5 Bedroom	6	10

B. Exceptions to Subsidy Standards [24 CFR 982.403(A) & (B)]

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

PHA will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a verified medical or health reason.

A family may request a larger sized Voucher than indicated by PHA's subsidy standards. Such request must be made in writing within 10 business days of PHA's determination of voucher size. The request must explain the need or justification for a larger voucher size. Documentation verifying the need or justification will be required as appropriate. Requests based on health related reasons must be verified by a doctor or medical professional.

Changes in Household Composition

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

The family obligations require the family to request PHA approval to add any other family member as an occupant of the unit and to inform PHA of the birth, adoption or court-awarded custody of a child or any changes in the household composition, related or non-related. The

family must request prior approval of additional household members in writing within ten (10) business days. If the family does not obtain prior written approval from PHA, any person the family has permitted to move in will be considered an unauthorized household member.

PART VIII:
FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION

This part defines the income and allowable expenses and deductions used to calculate the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with Federal Regulations and further instructions set forth in ETUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. PHA's policies in this Part address those areas that allow PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. ANNUAL INCOME

Annual Income means all amounts, monetary or not, that:

A. Are paid to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or

B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date; and

C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.

B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except when the withdrawal is a reimbursement of cash or assets invested in the operation by the family.

C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the Family has net family assets in excess of $5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump sum amount or prospective monthly amounts for the delayed start of a periodic amount owner, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.

E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)

F. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions 0); gifts received from organizations or from persons not residing in the dwelling.

G. All regular pays, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

Annual income does not include the following:

A. Income from employment of children (including foster children) under the age of 18 years.

B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).

C. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses.

D. Amounts received by the family that is specifically for or in reimbursement of, the cost of medical expenses for any family member.

E. Income of a live-in aide.

F. The full amount of student financial assistance paid directly to the student or to the educational institution.

G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

H. The amounts received from the following programs:

    1. Amounts received under training programs funded by HUD.

    2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).

    3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow

participation in a specific program.

4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed 5,200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time.

5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment-training program.

6. Temporary, non-recurring or sporadic income (including gifts).

7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.

8. Adoption assistance payments.

9. For family members who enrolled in certain training programs prior to October 1, 1999, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1427t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:

    a. Comparable Federal, State or local law means a program providing employment training and supportive services that:

        1. Is authorized by a Federal, State or local law;

        2. Is funded by the Federal, State or local government;

        3. Is operated or administered by a public agency; and

        4. Has as its objective to assist participants in acquiring employment skills.

    b. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

10. For persons with disabilities, the incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion is only available to the following families:

    a. Families whose income increases as a result of employment of a disabled family member who was previously unemployed (defined as working less than 10 hours

a week at the established minimum wage) for one or more years.

b. Families whose income increases during the participation of a disabled family member in any economic self-sufficiency or other job training program.
c. Persons with disabilities who are or were, within six months, assisted under a State TANF or Welfare-to-Work program for at least $500.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

11. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.

12. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.

13. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

14. Amounts specifically excluded by any other Federal statue from consideration as income for purposes of determining eligibility or benefits. These exclusions include:

a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 L7 US.C. 2017(b)];

b. Payments to Volunteers under the domestic Volunteer Services Act of 1973 (42 US.C. 5044(g),5058);

c. Payments received under the Alaska Native Claims Settlement Act [43 US.C. 1626(c)];

d. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 US.C. 8624(f)];

f. Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 U.S.C. 1552(b)]; effective July I, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 9-540, 90 Stat. 2503-04);

h. The first $2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);

i. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 US.C. 1087uu);

j. Payments received from programs funded under Title V of the Older Americans Act of 1985 [42 U.S.C. 3056(f)];

k. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement *In Re Agent*-product liability litigation, M.D.L. No.381 (E.D.N.Y.);

l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 US.C. 9858q);

n. Earned income tax credit -ITC refund payments received on or after January 1, 1991 [26 U.S.C. 32-];

o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-33);

p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 [42 US.C.12637(d)];

q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Ac: because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and

s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

B. ADJUSTED INCOME [24 CFRS-61 I]

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

HUD has five allowable deductions from Annual Income:

- *Dependent allowance*: $480 each for family members who are minors (other than the head or spouse or co-head) and for family members who are 18 years or older and full-time students or disabled. Foster children are not considered dependents.

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

- *Allowable medical expenses*: Out-of-pocket medical expenses which exceed 3% of annual income will be deducted if the head, spouse or co-head of household is 62 or older, or disabled.

    - If disability assistance expenses that are less than 3 % of annual income, an allowance for combined disability assistance expenses and medical expenses that is generally equal to the total of these expenses, less 3 % of annual income calculated using the HUD formula included on the form 50058. .

- *Reasonable Child Care Expenses*: Expenses for the care of children under 12 are deducted when child care is necessary to allow an adult member to work, attend school, or actively seek employment. Reasonable child care expenses cannot exceed 50% of gross annual income.

- *Allowable Disability Assistance Expenses*: Expenses for care attendance or auxiliary apparatus which exceed 3% of annual income may be deducted when the expenses enable the individual or an adult family member to work

Medical Expenses [24 CFR 5.609, 5.603]

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

C. ABSENCE FROM THE UNIT

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit but has not moved out of the unit. If the family has moved out of the unit, PHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families must notify PHA and the owner in writing within ten (10) business days if they are going to be absent from the apartment for more than 30 consecutive days.

If the family head are going to be absent from the unit, a family member of the contracted group has to be in charge. It must be 21 years of age or more.

A person with a disability or a verified health reason may request an extension of time as an accommodation, provided that the extension does not go beyond 180 consecutive calendar days.

If the family has not notified PHA of absence from the unit, PHA may: write letters to the family at the unit; telephone the family at the unit; interview neighbours and verify if utilities are in service to determine whether the family is still in occupancy.

Any absence longer than 30 days or any PHA approved period of time will result in termination of assistance. If requested by the family, PHA may reinstate the family as an accommodation if the following applies:

- The absence, which resulted in termination of assistance, was due to a person's disability, age or health reason;
- PHA can verify that the person was unable to notify the Authority in accordance with the family's responsibilities; and
- Funding is available.

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, the family must report the absence within ten (10) business days. PHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will be considered temporarily absent.

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

Absence Due to Child(ren) Placed in Protective Services

If the child(ren) leaves household under protective services, the child(ren) will be considered either temporarily or permanently absent. The family must report this change within ten (10) business days once the child(ren) has been removed. If the child(ren) is determined by PHA to be permanently absent, the family's composition, income adjustments, and qualifications for housing will be reviewed. The necessary Changes will be made based upon the review.

Determination Absence Due to Full-Time Student Status

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

If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for a determination of Voucher size.

Visitors

Any adult not included on the Form HUD-50058, who has been in the unit more than 15 consecutive days or a total of 30 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and PHA will terminate assistance since prior approval was not requested or received for the addition.

D. MINIMUM RENT

Families are required to pay a minimum TIP (rent and utilities) of $25 a month. Families must therefore provide documentation of income to meet this rent requirement.

Because the minimum rent is $25, there will be no need to review requests for exemptions to the minimum rent due to hardship.

E. REDUCTION IN BENEFITS

If the family's TANF benefits are reduced due to family error, omission, or misrepresentations, PHA will use the gross amount of the benefit when computing annual income. If the family's benefits are reduced through no fault of the family, PHA will use the net amount of the benefit.

If a family's TANF benefits are reduced or eliminated due to the family's failure to participate in an economic self-sufficiency program, to comply with a work requirement, or as a result of fraud, PHA will not reduce rent to reflect the lost benefit.

PHA will obtain written verification that the benefit reduction was caused by non-compliance or by fraud before denying a family's request for re-certification of income and rent reduction. Denial of a request for rent reduction will not occur when TANF benefits are lost because the lifetime limit on receipt of benefits has expired or in a situation where the family has complied with welfare requirements but cannot obtain employment. Any participant family denied a rent reduction after a loss of welfare benefits would be informed of its right to an informal review.

F. PRO-RATION OF ASSISTANCE FOR FAMILIES WITH ONE OR MORE MEMBERS WHO ARE INELIGIBLE NONCITIZENS (MIXED FAMILIES) [24 CFR 5.520]

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

Pro-rated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

G. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CER 982.153, 982.517]

PHA will maintain an up-to-date utility allowance schedule and will review the utility allowance schedule annually. If the, review finds a utility rate has changed by 10% or more since the last

revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied at a participant family's next re-examination.

The utility allowance is always based on the actual unit size selected, not the unit size listed on the family's voucher.

Where the utility allowance exceeds the family's Total Tenant Payment, PHA will provide a utility reimbursement payment for the family each month. The check will generally be made out to the tenant; however, PHA reserves the right to make utility reimbursement payments directly to a utility provider.

H. RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME

A. If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification within thirty (30) days of receipt by the resident.

B. The PHA Housing Manager shall reconcile any difference between the amount reported by the resident and the amount listed m the HUD communication. This shall be done as promptly as possible.

C. After the reconciliation is complete, PHA shall adjust the resident's rent beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, PHA may do one of the following:

1. Immediately collect the back rent due to the agency.

2. Establish a repayment plan for the resident to pay the sum due to the agency.

3. Terminate the lease and evict for failure to report income; or

4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

PART IX:
BRIEFING AND VOUCHER ISSUANCE

PHA’s objectives are to ensure that families selected to participate in the Section 8 program are successful in leasing a suitable apartment and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families are determined eligible, PHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, PHA procedures, and information on how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program, including the benefits of moving outside areas of poverty concentration. This part describes how briefings will be conducted and the information that will be provided to families.

A. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefing will be conducted in group and/ or individual meetings. Families who attend a group briefing but need individual assistance will be referred to a Housing Counsellor. Briefings will be conducted in Spanish, but may also be conducted in English if necessary.

PHA will not issue a Voucher to a family unless the household representative (head of household, co-head or spouse) has attended a briefing and signed the Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two scheduled briefings without prior notification and approval of FHA may be denied admission based on failure to supply information needed for certification. If required as reasonable accommodation and upon request by the family, PHA will conduct individual briefings for families with disabilities at their home.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packets will comply with all HUD requirements. FHA also includes other information and/or materials not required by HUD.
The family is provided with the following information and materials:

- Copy of the application and information on how tenant rent is calculated.
- Term of the Voucher and PHA policy for requesting extensions to the term of the Voucher or suspensions of the Voucher.
- Description of the method used to calculate the Housing Assistance Payment and information on Payment Standards and utility allowance.
- Explanation of how the maximum allowable rent is determined, including procedures for determining rent reasonableness.
- Guidance and materials to assist the family in selecting a unit. Explanation of the portability option.
- Sample of the HUD tenancy addendum.
- Request for Lease Approval form and a description of the procedure for requesting approval for a unit.
- PHA policy on providing information about families to prospective owners.
- Subsidy standards, including when and how exceptions are made, and how unit size listed on Voucher relates to the unit size selected.
- HUD brochure, "A Good Place to Live" on how to select an apartment that complies with HQS.

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

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

- ~ A list of landlords or other parties willing to lease to assisted families or help in the housing search. In addition, a list of available housing units in all neighbourhoods submitted by owners as available upon request at PHA's front desk.

- ~ If the family includes a person with disabilities, notice that PHA will provide assistance in locating accessible units and a list of available accessible units known to PHA.

- ~ Family Obligations under the program.

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

- ~ PHA informal hearing procedures, including when PHA is required to offer all informal hearing and how to request the hearing.

- ~ Owner/tenant handbook, sample HQS inspection checklist, and sample HAP contract.

- ~ Procedures for notifying PHA and/ or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.

- ~ Requirements for reporting Changes that occur between certifications.

- ~ Information on security deposits and legal referral services.

- ~ Other Information to be Provided at the Briefing [24 CFR 982.301]

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

The briefing emphasizes:

- ❋ Family and owner responsibilities.

- ❋ Where a family may leave a unit inside and outside its jurisdiction (portability).

- ❋ Advantages to moving to an area with a low concentration of low-income families.

- ❋ Choosing an apartment carefully.

B. TERM OF VOUCHER [24 CFR 982.303,982.54]

During the briefing session, each household will be issued a Voucher (valid for 60 days), which represents a contractual agreement between PHA and the family and specifies the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective.

Expirations

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

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

Suspension of the Term of the Voucher

When a Request for Lease Approval (RFLA) is received, the term of the Voucher will be suspended until a lease and contract have been executed for the unit or PHA determines that leasing the unit is not feasible. An RFLA cannot be suspended for more than sixty (60) days. If the unit cannot be leased, PHA will Change the expiration date on the Voucher and provide the family the same number of search days which remained in the term on the date the RFLA was submitted.

Extensions

A family may request an extension of the Voucher time period. All requests for extensions must be received in writing prior to the expiration date of the Voucher. The maximum Voucher search period shall not exceed 120 days. Extensions are permissible at the discretion of the Housing Counsellor, up to a maximum of 60 days, primarily for these reasons:

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

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

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

PART X:
REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

After families are issued a Voucher, they may search for a unit anywhere within the jurisdiction of PHA or outside of PHA's jurisdiction if they qualify for portability. The family must find an

eligible unit under the program rules with an owner/landlord who is willing to enter into a Housing Assistance Payments (HAP) contract with PHA. This part defines the types of eligible housing and PHA policy regarding initial inspections, lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RFTA).

A. INFORMATION TO OWNERS [24 CFR 982.307,982.54]

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

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

PHA will provide the following information if requested regarding a family's tenancy history for the past three years based on documentation in its possession:

- Eviction history
- Damage to rental units
- Other aspects of tenancy history; including complaints from neighbours or landlords
- Drug related criminal activity by family members

The information will be provided orally and/or in writing. Only the Executive Director or designee may authorize release of this information. PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

B. REQUEST FOR TENANCY APPROVAL (RFTA) [24 CFR 982.305]

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

PHA will not permit the family to submit more than one RFT A at a time.

PHA will require a voided RFTA prior to issuance of another RFTA.

Approval of RFTA

PHA will review the RFTA to determine whether or not it is approval. The Request will be approved if:

- The initial rent to owner exceeds the payment standard but the total tenant payment is within 40% of the family's adjusted monthly income.

Illustration: Initial rent to owner (excludes utilities) > Payment Standard = 40% restriction on total tenant payment.

- The gross rent- (rent to owner plus tenant-paid utilities) is at or below the payment standard.

Illustration: Gross rent (rent to owner plus utilities) <Payment Standard = No restriction on total tenant payment

- Unit is an eligible type of housing.
- Unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan).
- Rent is reasonable (see Part XII).

Owner is approval, and there are no conflicts of interest (see Section E).

- Owner is represented by an agent to act on his or her behalf, then both the owner and agent will be required to sign the RFTA, HUD contract, and lease agreement, subsequently making them both responsible for fulfilling the provisions of the HUD contract and lease agreement.

C. SEPARATE AGREEMENTS

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

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by PHA.

Any appliances, services or other items routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item. Non-payment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, PHA will not disapprove such charges as part of the owner/tenant agreement to lease the unit.

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

D. RENT LIMITATIONS

Prior to execution of HAP contract. PHA must approve the Rent to Owner. (See Part XU, "Rent

PHA must also determine whether the tenant rent meets HUD's affordability standard. As described above, assistance will be approved only if:

- The initial rent to owner exceeds the payment standard but the total tenant payment is within 40% of the family's adjusted monthly income.

- The gross rent (rent to owner plus tenant paid utilities) is at or below the payment standard.

E. OWNER DISAPPROVAL [24 CFR 982.306]

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

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

  ~ Threatens the right to peaceful enjoyment;

  ~ Threatens the health or safety of other residents, of employees of PHA or of owner employees or other persons engaged in management of the housing;

  ~ Threatens the health or safety of; or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity or the premises; or,

  ~ Is drug-related criminal activity or violent criminal activity.

- Owner has violated obligations under the Housing Assistance Payments contract, including but not limited to:

  ~ Having a history or practice of non-compliance with the HQS for units leased under the Section 8 programs;

  ~ Having a history of failing to cooperate with PHA m administration of the assistance;

  ~ Having a history or practice of renting mats that fail to meet local housing codes; or Committing fraud, bribery or any other corrupt act in connection with the Section 8 program or any other federal housing program;

  ~ Engaging in any drug-related criminal activity or any violent criminal activity;

  ~ Not paying state or local real estate taxes, fines or assessments; Accepting HAP payments from PHA after the family has vacated the unit.

- Owner is a relative of any member of the family, unless PHA determines that approving the unit would provide reasonable accommodation for a family member who is disabled.

- Owner has a conflict of interest as described in HUD regulation 24 CFR 982.161(a) and would therefore be unable to enter into a contract with PHA; or owner is employed by PHA.

- When HUD has informed PHA that disapproval is required because the:

Owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR Part 24;

Federal government has instituted an administrative or judicial action against the owner for violating the Fair Housing Act or other federal equal opportunity requirements and such action is pending;

Court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

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

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, If an owner has engaged in or threatened abusive or violent behaviour toward PHA personnel. Actual physical abuse or violence will always be cause for termination.
PHA may restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offence. PHA may terminate some or all contracts with the owner.

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 10 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 its 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.

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.

If the landlord has been overpaid as a result of fraud, misrepresentation, or violation of the Contract, PHA will recoup any overpaid amounts by abating rent or deducting amounts owed from payments to the owner for other assisted tenants. If the owner fails to make restitution to PHA, PHA will report the owner to a credit rating company.

F. SPECIAL HOUSING TYPES

PHA will permit any voucher holder to use the subsidy in any special type of housing (so long as it is not prohibited by regulations). Such special housing types include: Shared Housing; Congregate Housing; Group Homes; family owned manufactured homes; and SROs.

PART XI:

HOUSING QUALITY STAINDARDS AND INSPECTIONS

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

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401,982.405]

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The family will continue their search for suitable housing as to not jeopardize their position in the program. .

All utilities must be in service and appliances in the unit at the initial inspection. If the utilities are not in service at the time of inspection, the Housing Counsellors will notify the tenant or owner (whoever is responsible for the utilities according to the RFLA) to have the utilities turned on. The owner and tenant will both certify that the utilities are on.

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

When the inspection has been completed, the owner and the family will be informed in Writing of any items which failed to meet HQS standards and must be repaired or replaced and of the date on which PHA will re-inspect to certify completion of the required work.

Any repairs not completed will cause abatement in Housing Assistance Payment. The inspection letter will stipulate the last day the unit qualified for payment. The Housing Assistance Payment will be prorated appropriately.

Re-inspection

The owner will be allowed only one re-inspection for repair work required to comply with HQS for initial lease up.

If the time period specified by the Housing Counsellor to correct the repairs has elapsed, or the re-inspection has occurred, the family may select another unit.

If the Housing Counsellor is unable to gain access to the unit for the re-inspection, HAP payments are abated as of the date of the re-inspection. HAP payments cannot begin again

until the housing counsellor is able to enter the unit and determine that the unit meets HQS standards. If the Housing Counsellor has been unable to gain access at the time of the second attempt to conduct a re-inspection, the owner will receive Notice of Contract Termination.

Time Standards for Repair

Emergency items which endanger the family's health or safety must be corrected within 24 hours of notification.

For non-emergency items, repairs must be made within 30 days.

For major repairs, the Housing Counsellor may approve an extension beyond 30 days.

Rent Increases

PHA will conduct an inspection using HQS and other standards approved in this Administrative Plan at least annually prior to the anniversary month of the contract. Rent increase requests will not be approved if the unit does not meet HQS.

B. CONSEQUENCES IF OWNER IS RESPONSIBLE -NON-EMERGENCY ITEMS [24CFR 982.405, 982.453]

Extension

PHA may grant an extension of time to repair in lieu of abatement in the following cases:

- Owner has a good history of HQS compliance.
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.

The extension will be made for a period of time not to exceed 30 days. At the end of that time, if the work is not completed, PHA will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination will be rescinded by PHA if the tenant chooses to remain in the unit.

C. CONSEQUENCES IF FAMILY IS RESPONSLE [24 CFR 982.404]

If non-emergency violations of HQS are determined to be the responsibility of the family, PHA will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are riot made in this time period, PHA will terminate assistance to the family. Such

tenant caused violations include, failure to provide appliances or maintain utilities when responsible under terms of the lease and damages. Time extensions in these cases must be approved by the Housing Counsellor. The owners rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

PART XII:
OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

PHA is responsible for ensuring that the rents charged by owners are reasonable based upon objective comparable in the rental market. PHA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS and that the rent is reasonable. PHA will determine rent reasonableness at initial lease-up, before any increases in rent to owner, and at other times as described ill this section. PHA will provide the owner with information concerning rent adjustments.

This part explains PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.503]

PHA will not approve a lease until PHA determines that the initial rent to owner is a reasonable rent. PHA will re-determine rent reasonableness whenever an owner requests a regular or special contract rent adjustment for the program or any increase ill the rent for a Voucher unit. PHA must also re-determine rent reasonableness if: (1) there is a 5% decrease in the published FMR ill effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary; and (2) if directed by HUD; and (3) based on a need identified by PHA’s auditing system.

PHA may elect to re-determine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by PHA. .

PHA will determine and document on a case-by-case basis that the approved rent:

- Is reasonable ill comparison to rent for other comparable, unassisted units in the market; and

- Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex.

The data for other unassisted units will be gathered from newspapers, Realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness are indicated by zip code and census tract within PHA’s jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The reasonableness of the rent requested by the owner will be determined by considering at a minimum, the following factors:

Location (the primary factor)

- Type
- Unit Size

Utilities provided by the Owner (in accordance with the Lease offered)

PHA will collect additional data and, to the extent possible, will consider the following additional factors when making a comparison of the proposed assisted unit to other unassisted units:

- Quality
- Age of the Contract Unit Amenities
- Housing Services Maintenance

Housing Counsellors will obtain market data on comparable units in the course of regular business by:

- Calling in response to newspaper or internet rental advertisements;
- Knocking on doors of units in the neighbourhood of assisted units and asking questions of the residents;

Obtaining information from owners and real estate agents.

Data on comparable will be entered into the PHA computer module used to assist in comparison of units, and the computer will be used to select the most comparable of all units in the database. A rent comparison and rent reasonableness determination will be made using the units selected from the database.

PHA will update information in the computer database periodically and will not use information that is more than 12 months old when making rent reasonableness determinations.

At least two comparable of unassisted units will be used for each rent determination. All comparable must be based on the rent that the unit would command if leased in the current market. Leased in the current market means that the unit has been leased within the last 360 days.

PHA reserves the right to conduct rent reasonableness determinations on units assisted under the program at any time. In such instances, owners will be informed of the re-determination, and notification in accordance with the HAP Contract will be made for any Change in approved rent.

B. HOUSING CHOICE VOUCHER PROGRAM PAYMENT STANDARDS [24 CFR 887.351]

The Payment Standard establish by the Housing Department of the Municipality of Utuado will be the 100% of the assigned Fair Market Rents (FMR) to the municipality as published by HUD through the Federal Register. The 2006 Fair Market Rents for the Municipality of Utuado will be as follows:

NUMBER OF BEDROOMS	FMR
0 (Efficiency)	292
1	316
2	352
3	482
4	523

The Fair Market Rents establish for Utuado will determine the initial and the contract renewal rents for housing assistance payment (HAP) contracts for the Housing Choice Voucher Program.

In order to increase the rent above the 100% up to 110% of the Fair Market Rents, the PHA will evaluate the reasonability of the rents paid in the area, and according to such analysis may use a payment standard above the 100% but below the 110%.

C. EXCEPTION PAYMENT STANDARDS [982.503]

PHA may request HUD approval to establish a Payment Standard up to 120% of the FMR if it determines that a higher Payment Standard is needed to help families obtain housing outside areas of high poverty.

D. PAYMENT STANDARDS FOR A FAMILY [24 CFR 982.505]

Regular Re-examination

If the payment standard decreases during the HAP Contract term, the Payment Standard for the family is the higher of: (1) the Payment Standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased; or (2) the Payment Standard at the current or most recent annual exam. If a Change in family size or composition occurs affecting the Voucher size, the ability to use the initial Payment Standard is lost.

Interim Examination

If; after the beginning of the term of the lease, the family has a Change in income, family size or composition that would require or allow for an interim adjustment based on PHA's interim policy, PHA will not apply any Change in payment standard until the date of the next regular re-examination.

Moves

If the family moves into a different unit prior to its next re-certification and PHA has had a change in the payment standard, the new payment standard will be used. The applicable payment standard will be that which is lower of either the Voucher size issued or the unit size selected at the time of the move.

E. RENT ADJUSTMENTS [24 CFR 982.519]

Choice Voucher Program

Owners may not request rent adjustments in the Voucher program to be effective prior to the

expiration of the first year of the lease. PHA will notify owners of their right to request a rent adjustment 120 days in advance of the anniversary date.

The approval or disapproval decision regarding the adjustment will be based on HUD required calculations and a rent reasonableness determination.

Owners must request the rent increase in writing. Any increase will be effective the later of: (1) the anniversary date of the Contract; or (2) at least 60 days after the owner's request is received. Requests must be received at least 60 days prior to the next anniversary date.

Voucher Rent Adjustments [24 CFR 982.505]

Owners may not request rent adjustments in the Voucher program to be effective prior to the expiration of the first year of the lease. Rent adjustments, therefore, are effective only after a 60 day notice to the family and a copy to PHA. PHA will advise the family as to whether the rent is reasonable and shall approve or disapprove the rent increase.

PART XIII:
RECERTIFICATIONS AND ONGOING ACTIVITIES

In accordance with HUD requirements, PHA will examine the income and household composition of all families at least annually. Re-certifications and interim examinations will be processed to ensure families are given notice of rent increases. This chapter describes the PHA's policy for annual and interim re-certifications.

If the family does not appear for the interview, and has rescheduled or made prior arrangements with PHA, PHA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, PHA will terminate assistance to the family and offer them an informal hearing. Exceptions to this policy may be made by the Executive Director or designee if the family is able to document an emergency situation that prevented them from cancelling or attending the appointment.

A. COMPLETION OF ANNUAL RE-CERTIFICATION

PHA will complete re-certifications for families before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

Persons with disabilities who are unable to come to PHA's office will be granted an accommodation by conducting the interview at the person's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.

The head of household is required to attend the re-certification interview. If the head of household is unable to attend, the appointment will be rescheduled, or at PHA's discretion the spouse, co-head, or any adult family member may re-certify for the family.

Tenant Rent Increases

If tenant rent increases, a 30-day notice is mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the 3D-day notice.

If there has been a misrepresentation or a material omission by the family, or if the family caused a delay in there-examination processing, the rent increase will be effective on the anniversary date regardless of whether the family has been given 3D days' notice or the anniversary date has already passed and the increase must be imposed retroactively.

Tenant Rent Decrease

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the re-examination is not completed by the anniversary date, a rent decrease will be effective on the first day of the month following completion of the re-examination processing by FHA.

B. REPORTING INTERIM CHANGES [24. CFR 982.516]

PHA requires that families report interim Changes to PHA within 10 days of when the Change occurs. Any information, document or signature needed from the family, which is needed to verify the Change, must be provided within 30 days of the Change.

If the Change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Changes in Income and Assets

Participants are required to report all increases in income.

PHA will conduct interim re-examinations when families have an increase in income.

Participants may report a decrease in income and other Changes, which would reduce the amount of tenant rent, such as an increase in allowances or deductions. PHA must calculate the Change if a decrease in income is reported.

If PHA makes a calculation error at admission to the program or at an annual re-examination, an interim re-examination will be conducted to correct the error, but the family will not be charged retroactively.

Changes in Family Composition [24 CFR 982.51]

Participants must report all Changes in household composition to PHA between annual re-examinations. This includes additions due to birth, adoption, court-awarded custody, and marriages. All Changes in family composition must be reported in writing within 10 days of the occurrence. The family must obtain PHA and owner approval prior to all other additions to the household.

PHA may approve additions to the household in the following cases:

- Addition by marriage/ or marital-type relation.

- Addition of a minor who is a member of the nuclear family and had previously been living elsewhere.
- A PHA-approved live-in attendant.
- Addition of any relation of the Head or Spouse that has been approved by a supervisor.
- Addition due to birth, adoption or court-awarded custody.

If any new family member is added, family income must include any income of the new family member. PHA will conduct a re-examination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size.

If a Change requires a larger size unit due to overcrowding, FHA will issue a Voucher for the family to search for a new unit.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular re-certification after the new member moves into the unit.

PHA may deny a family's request to add additional family members who do not meet the criteria required for all households as described in Parts VI and XV of this Plan.

Families are required to notify PHA if any family member leaves the assisted household. When the family notifies PHA, it must furnish the following information:

- The date the family member moved out;
- Documentation of the new address of the family member; or
- Court documents verifying divorce, separation or new custody arrangements.

Family Break-Ups

When a family splits into two (or more) otherwise eligible families, PHA will make the decision as to which household should receive a subsidy taking into consideration the following factors:

- Which family unit retains the children or disabled or elderly member(s);
- Any medical issues in the family;
- Any court or legal determination;
- Role of domestic violence in the split; and
- Recommendations of social service agencies or qualified professionals, such as children's protective services.

Notification Procedures When Changes Reported Affect Tenant Rent

PHA will notify the family and the owner of any Change in the Housing Assistance Payment to be effective according to the following guidelines:

Changes Reported in Timely Manner

- Increases in the Tenant Rent are effective on the first of the month following at least a 30-day notice.

- Decreases in the Tenant Rent are effective the first of the month following that in which the Change occurred. No rent reductions will be processed, however, until all the facts have been verified, even if a retroactive adjustment results.

Changes Not Reported in Timely Manner

If the family does not report the Change in a timely manner, the following guidelines will apply:

- Increases in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and will be required to sign a Repayment Agreement or make a lump sum payment.

- Decrease in Tenant Rent will be effective on the first of the month following completion of processing by PHA and not retroactively.

Changes Not Processed by PHA in a Timely Manner

"Processed in a timely manner" means that the Change goes into effect on the date it should when the family reports the Change in a timely manner. If the Change cannot be made effective on that date, the Change is not processed by PHA in a timely manner.

- Increases in Tenant Rent will be effective first of the month after completion of the required 30-day notice.

- Decreases in Tenant Rent. The overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

Other Interim Reporting Issues

An interim re-examination does not affect the date of the annual re-certification.

In instances where fraud is suspected, PHA may require an interim re-certification.

Form HUD-50058 will be completed and transmitted as required by HUD to record Changes.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by PHA. If the family disagrees with the rent adjustment they may request an informal hearing.

PART XIV:
MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction or to a unit outside of the PHA's jurisdiction under Portability procedures.

The regulations also allow PHA the discretion to develop policies, which define any limitations or restrictions on moves. This Part defines the procedures for moves, both within and outside of, PHA's jurisdiction and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit if:

- The assisted lease for the old unit has terminated because PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

- Family is in compliance.

- The family has given proper notice of lease termination (if the family has a right to terminate the lease with notice to the owner).

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552]

Families will not be permitted to move outside PHA's jurisdiction under portability procedures during the initial year of assisted occupancy.
PHA may deny permission to move to if:

- The family has violated a family obligation.
- The family owes PHA money.
- The family has moved within the last 12 months.

The Executive Director or designee may make exceptions to these restrictions if there is an emergency need for the move over which the participant has no control.

C. PORTABILITY [24 CFR 982.353]

Portability applies to families moving into or out of PHA's jurisdiction. Under portability, families are eligible to receive assistance to lease a unit outside of PHA's jurisdiction. The unit may be located in the jurisdiction of a PHA anywhere within the United States that administers a tenant-based program.

Outgoing Portability [24 CFR 982.353, 982.354, 982.355]

When a family requests to move outside of PHA' S jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one PHA in the area in which the family has selected a unit, PHA will choose the receiving PHA.

Restrictions on Portability

Families will not be permitted to exercise portability under the following circumstances:

- During the initial 12-month period after admission to the program, neither the head of household or spouse of an assisted family already having a “domicile” (legal residence) in the jurisdiction of the initial housing authority at the time when the family first submitted an application for participation in the program to the initial housing authority.

- If the family is in violation of a family obligation.

- If the family owes money to PHA.

- No funds available

If denied assistance by receiving HA and in Puerto Rico, must return to initial HA within one week, if outside the Puerto Rico territory must notify initial HA of denial of assistance by receiving HA within two weeks and return to Puerto Rico within a month.

Note: In case of health cares required by any participant's family member in other jurisdiction, the PHA will be permitted portability as a priority situation.

Absorption or Administration

PHA will accept a family with a valid Voucher from another jurisdiction and decide whether to administer or absorb the Voucher. Generally, PHA will absorb incoming portable families; however, when PHA is leased to full capacity the subsidy will be administered on behalf of the initial PHA.

For initial lease-up, the family must be within PHA's Income limits.

All of PHA's administrative policies apply to incoming portable families.

PART XV:
DENIAL OR TERMINATION OF ASSISTANCE
TO APPLICANTS AND PARTICIPANTS

PHA may deny or terminate assistance for a family because of the family's action or failure to act. PHA will provide families with a written description of the family obligations under the program, the grounds under which PHA can deny or terminate assistance, and PHA's informal hearing procedures. This part describes when PHA is required to deny or terminate assistance and PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 932.552, 982.553]

If denial or termination is based upon behaviour resulting from a disability, PHA will delay the denial or termination in order to determine if there is an accommodation that would mitigate the behaviour resulting from the disability.

PHA will deny assistance to applicants and terminate assistance for participants if:

- Any member of the family fails to sign and submit to HUD or PHA required consent forms for obtaining information.
- No member of the family is a U.S. citizen or eligible immigrant.
- The family is under contract, and 180 days have elapsed since PHA's last housing assistance payment was made.

- The family is evicted from housing assisted under the program for serious violation of the lease.

- The family was evicted from public housing for use, sale or manufacture of illegal drugs or violent criminal activity within the past five (5) years (see detailed description below).

- Any member of the household has been convicted of a felony within the previous five (5) years, is on probation or satisfied the terms of probation less than 12 months ago, or has repetitively been convicted of crimes.

- Any member of the family manufacturing or producing methamphetamine on the premises of the assisted dwelling and any convictions for the manufacturing or producing of methamphetamine.

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants.

- 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.

- Any violent criminal activity on or off the premises.

- Drug-related criminal activity on or off the premises. "Drug-related criminal activity" shall mean the illegal manufacture, sale, distribution, use or possession with the intent to manufacture, sell, distribute, or use, of a controlled substance as defined in section 102 of the Controlled Substance Act 21 U.S.C. §802.

- Alcohol abuse (or pattern of abuse) that may interfere with the health, safety or right to peaceful enjoyment of other tenants.

- Any member of household is registered under a State Sex Offender Predator registration program. Fugitive felon or felon parole violator.

- Participant who have been employed by the same company for more than two (2) years and have a family rent of 45 % or more are given 3 months notice of termination of assistance.

If PHA determines that the tenant, any member of the tenant's household, or any guest or other person under the tenant's control has engaged in the aforementioned activity, regardless of whether the person has been arrested or convicted for such activity, tenancy will be terminated and or eviction action taken.

Grounds for Denial or Termination of Assistance [24 CFR 982.552]

PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551. Any member of the family has ever been evicted from public housing in the past five (5) years.

- The family currently owes rent or other amounts to PHA or to another PHA in connection with Section 8 or public housing assistance.

- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family.

- The family breaches an agreement with PHA to pay amounts owed to PHA, or amounts paid to an owner by PHA.

- The family has engaged in or threatened abusive or violent behaviour toward PHA personnel.

  "Abusive or violent behaviour towards PHA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

  "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

  Actual physical abuse or violence will always be cause for termination.

PHA may also deny the request of a participating family to add a household member if that person is found to be ineligible for assistance after a review against the above criteria.

Housing Authority Discretion

In deciding whether to deny or terminate assistance for any of the reasons listed above, PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the length of time since the violation occurred. It may also review the family's more recent record of compliance and consider the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

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

Explanations and Terms

Enforcing Family Obligations

HQS Breach: The Housing Counsellor will determine if an HQS breach is the responsibility of the family as defined by HUD regulation. Families may be given extensions of time to cure HQS breaches by the Housing Counsellor.

Lease Violations: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance.

- If the owner terminates tenancy through court action for serious or repeated violation of the lease.

- If the owner notifies the family of termination of assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and PHA determines that the cause is a serious or repeated violation of the lease based on available evidence.

- If there are police reports, neighbourhood complaints or other third party information, and PHA has verified the information

Notification of Eviction: If the family requests to move but did not notify PHA of an eviction within 30 days of receiving the Notice of Lease Termination, the move will be denied.

Limitation on Profit taking Activity in Unit: PHA may prohibit use of a dwelling unit for profit-making activity if it determines that the use of the unit as a business is not incidental to its use as a dwelling unit, or the business activity results in the inability of the family to use any of the critical living areas such as a bedroom, or if PHA determines the business is not legal.

Interest in Unit: The owner may not reside in the assisted unit regardless of whether the owner is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Voucher Program.

Drug-related or Violent Criminal Activity

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance on or off the premises. Violent criminal activity includes any criminal activity engaged in by any family member that, has as one of its elements the use, attempted use, or threatened use of physical force against a person or property.

Participants that have been found guilty of some type of crime activity will have a termination of assistance under the PHA programs.

Ineligibility if Evicted for Drug-Related Activity

Persons evicted from public housing, Indian housing, Section 23, or any Section 3 program because of drug-related criminal activity are ineligible for admission to Section 8 programs for a three-year period beginning on the date of such eviction. PHA may waive this requirement if the circumstances leading to the eviction no longer exist. For example, the individual involved in

drugs is no longer in the household because the person is incarcerated.

If the family violates program rules prohibiting drug-related or violent criminal activity, PHA will terminate assistance.

Screening Out Illegal Drug Users and Alcohol Abusers

PHA will deny participation in the program to applicants in cases where it determines that there is reasonable cause to believe that the person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. This includes cases where PHA determines that there is a pattern of illegal use of a controlled substance, or pattern of alcohol abuse.

PHA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 12 months.

Confidentiality of Criminal Records

To the extent allowable by the Public records law, as may be amended, PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it, that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbours, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants. PHA may pursue fact-finding efforts as needed to obtain credible evidence.

In case that the head of the household or a family member, applicant or a program participants suspected of having committed a certain drug related crime or any other type of, criminal activity whether violent or not, the PHA will await the final determination of the court of justice in order to proceed with the corresponding action.

The following are among the actions the PHA will take into considerations:

1. Will deny assistance to those applicants or participants that have committed a crime and will allow those not involved in the crime to remain in the application or the contract.

2. If the family or applicant does not agree with the petition mentioned above, the application or contract would be cancelled,

3. On the other hand, those persons that have been declared guilty of some type of crime and have served the time with the judgment will not have to wait to make the applications for assistance. In case they may request that they may be included in the contract they will

have to comply with all the PHA established requirements for evaluation of the case

Notice of Termination of Assistance

In any case where PHA decides to terminate assistance to the family, FHA must give the family written notice which states:

- Reason(s) for the proposed termination. Effective date of the proposed termination.
- Family's right, if they disagree, to request an informal review or informal hearing to be held before termination of assistance (informal reviews are conducted prior to informal hearings).
- Date by which a request for an informal review or informal hearing (informal reviews are conducted prior to informal hearings) must be received by PHA.

PHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the termination of assistance. The notice to the owner will not include any details regarding the reason for termination of assistance.

B. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Termination Due to Ineligible Immigrant Status

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

False or Incomplete Information

When FHA has clear, concrete or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, PHA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. PHA will then verifies eligible status, deny, terminate, or prorate as applicable.

PHA will deny or terminate assistance based on the submission of false information or misrepresentations.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with PHA either after the INS appeal or in lieu of the INS appeal.

After PHA has made a determination of ineligibility, the family will be notified of the

determination and the reasons and informed of the option for prorated assistance (if applicable).

C. OPTION NOT TO TERMINATE FOR MISREPRESENTATION[24 CER 982.551, 982.552]

If the family has misrepresented any facts that caused PHA to overpay assistance, PHA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses PHA in full.

D. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552]

If the family willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, PHA may deny or terminate assistance. In making this determination, PHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

PART XVI:
OWNER OR FAMILY DEBTS TO PHA

This Part describes PHA's policies for the recovery of moneys that have been overpaid for families and to owners. It describes the methods that will be utilized for collection of moneys and the guidelines for different types of debts. It is PHA's policy to meet the informational needs of owners and families and to communicate the program rules in order to avoid owner and family debts.

When families or owners owe money to PHA, PHA will make every effort to collect it. PHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Repayment agreements
- Reductions in payments for other units
- Reporting debt to credit bureaus
- Reporting debt due to fraud to local law enforcement

A. REPAYMENT AGREEMENT FOR FAMILIES [24 CFR 792.103,982.552 (b)(6-8)]

A repayment agreement is a document entered into between PHA and a person who owes a debt to PHA. Participants must pay one-half of the debt owed up front, and the balance is to be in paid in monthly payments. The total amount to be paid by owner or participant in the repayment agreement will be calculated by the PHA.

The minimum monthly amount of payment for any repayment agreement will be calculated by the PHA. The PHA will be request a confirmation of agreement in the District Courthouse.

PHA will not enter into a repayment agreement if a previously executed repayment agreement already exists for a prior debt. .

Late Payments

If the family's repayment agreement is in arrears, PHA may:

- Require the family to pay the balance in full.
- Terminate the housing assistance.
- Grant an extension of time to pay of 30 days.

If the family requests approval to move to another unit and is in arrears on a repayment agreement, the family will be permitted to move only after the payment of the past due amount.

B. GUIDELINES FOR REPAYMENT AGREEMENTS [24 CFR 982.552(b)(8)]

Repayment agreements will be executed between PHA and the head of household only.

Monthly payments may be decreased in cases of hardship, when requested in advance of the due date by the family, the hardship is verified, and the approval of the Executive Director is obtained.

No move will be approved until a debt is paid in full, unless the move is the result of the following causes and the existing repayment agreement is current:

- Family size exceeds the HQS maximum occupancy standards.

- HAP contract is terminated due to owner non-compliance or opt-out, and owners are reported to a credit rating company.

- Natural disaster.

If the family has a repayment agreement in place and incurs an additional debt to PHA, PHA will not enter into another agreement with the family.

C. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD is definition of program fraud and abuse is a single act or pattern of actions that:

"Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements."

Family Error/Late Reporting

Families who owe money to PHA due to program fraud or the family's failure to report increases in income will be permitted to repay under the terms the repayment policy only once. The second offence will result in termination.

Program Fraud

If a family owes an amount that equals or exceeds $10,000 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, PHA will refer the case for criminal prosecution.

D. OWNER DEBTS TO PHA

If PHA determines that the owner has retained Housing Assistance Payments to which he is not entitled, PHA may reclaim the amounts from future Housing Assistance Payments owed the owner for any units under contract.

If future Housing Assistance Payments are insufficient to reclaim the amounts owed, PHA will:

- Require the owner to pay the amount in full within 60 days or enter into a Repayment Agreement for the amount owed.
- Pursue collections through the local court system.
- Restrict the owner from future participation.
- Report the debt to a credit bureau.

PART XVII:
COMPLAINTS AND APPEALS

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction on the part of PHA. This Part describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for informal reviews and hearings. It is the policy of PHA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS TO PHA

PHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. PHA requires that complaints be put in writing.

The categories of complaints are:

- The family disagrees with an action or inaction of PHA or owner. These complaints will be referred to their Housing Counsellor.
- The owner disagrees with an action or inaction of FHA or a family. These complaints will be referred to the appropriate Housing Counsellor.
- General public or persons in the community regarding Section 8, a family or an owner. These complaints will be referred to the Housing Counsellors or Supervisor.

B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54, 982.55]

PHA will give an applicant at least 10 business days written notice of a decision denying assistance.

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status/the applicant is entitled to an informal hearing.

When (PHA determines that an applicant is ineligible for the program or for a preference claimed, the family will be notified of their ineligibility in writing. The notice will include:

- Reason(s) they are ineligible.
- Procedure for requesting a review if the applicant does not agree with the decision.
- Time limit for requesting a review.

PHA will provide applicants with the opportunity for an informal review of decisions denying the following:

- Qualification for preference.
- Placement on PHA's waiting list.
- Issuance of a Voucher.
- Participation in the program.

Informal reviews will not be conducted for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by PHA.

- General policy issues or class grievances.

- Determination of the family unit size under PHA subsidy standards.

- Refusal to extend or suspend a Voucher. Disapproval of lease.

- Determination that unit is not in compliance with HQS.

- Determination that unit is not in accordance with HQS due to family size or composition.

Procedure for Review

A participant may request for an informal review by contacting the Housing Counsellor. Participant will be given 10 business days to present a writing request for an informal review.

The informal review may not be solely conducted by the person who made or approved the decision under review, nor a subordinate of such person. The review may be conducted by the Housing Counsellor and an additional PHA representative.

The applicant will be given the option of presenting oral or written objections to the decision. Both PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The review may be conducted by mail and/ or telephone if acceptable to both parties.

A Notice of the Review findings will be provided in writing to the applicant within 10 business days. It shall include the decision of the hearing officer and an explanation of the reasons for the decision and the right to an informal hearing if applicable.

All requests for review supporting documentation, and a copy of the final decision will be retained in the family's file.

C. INFORMAL HEARING PROCEDURES [24 CFR 982.555, 982.541]

PHA will provide a copy of the hearing procedures in the family briefing packet.

When PHA makes a decision regarding the eligibility and/ or the amount of assistance, applicants and participants will be notified in writing. PHA will give the family prompt notice of such determinations, which will include:

- Proposed action or decision of PHA.
- Date the proposed action or decision will take place.
- Family's right to an explanation of the basis for PHA's decision.
- Procedures for requesting a hearing, if the family disputes the action or decision.
- Time limit for requesting the hearing.

PHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following PHA determinations:

- Family's annual or adjusted income and the housing assistance payment.
- Appropriate utility allowance used from schedule.
- Family unit size under PHA subsidy standards.
- Certificate program family is under-occupied in current unit and a request for exception to subsidy standards is denied.
- Termination of a participant family because of the family's action or failure to act.
- Termination of a family's FSS Contract, withholding supportive services, or proposing forfeiture of the family's escrow account.
- Participant family's absence from unit for 30 days.

PHA must always provide the opportunity for an informal Hearing before termination of assistance. Participant will be given 10 business days to present a writing request for an informal hearing procedure.

Informal hearings will not be conducted for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by PHA.
- General policy issues or class grievances.
- Establishment of PHA schedule of utility allowances for families in the program.

- PHA determination not to approve an extension or suspension of Voucher term.
- Disapproval of unit or lease.
- Unit is not in compliance with HQS (PHA must provide hearing for fami1y breach of HQS because that is a family obligation determination).
- Unit is not in accordance with HQS because of the family size.
- Determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.

Notification of Hearing

It is PHA's objective to resolve disputes at the lowest level possible and to make every effort to avoid the most severe remedies. However, if this is not possible, PHA will ensure that applicants and participants wi1l receive all of the protections and rights afforded by the law and the regulations.

When PHA receives a request for an informal hearing, a hearing shall be scheduled within 10 business days of request. The notification of hearing will contain:

Date and time of the hearing.

Location where the hearing will be held.

- Family's right to bring evidence, witnesses, legal or other representation at the family's expense.
- Right to view any documents or evidence in the possession of PHA and upon which PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than two days before the hearing date.
- Notice to the family that PHA will request a copy of any documents or evidence the family will use at the hearing.

Hearing Procedures

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact PHA within 24 hours, excluding weekends and holidays. PHA will reschedule the hearing only if the fami1y can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to PHA's determination.

- Examine the documents in the file, which are the basis for PHA's action and all documents submitted to the Hearing Officer.
- Copy any relevant documents at their expense.

Present any information or witnesses pertinent to the issue of the hearing.

- Request that PHA staff be available or present at the hearing to answer questions pertinent to the case.
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, PHA will make the copies for the family and assess a charge of ten cents per copy. In no case will the family be allowed to remove the file from PHA's office.

In addition, PHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing.
- Be notified if the family intends to be represented by legal counsel, advocate, or another party.
- Examine and copy any documents to be used by the fami1y prior to the hearing.
- Have its attorney present.
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the Hearing Officer deputy Executive Director, Director of Finance and Accounting, or designee who is neither the person who made nor approved the decision, nor a subordinate of that person.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" include records and regulations.

The Hearing Officer may ask the family for additional information and / or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

The Hearing Officer will determine whether the action, inaction or decision of PHA is legal in

accordance with HUD regulations and this administrative plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the hearing findings shall be provided in writing to PHA and the family promptly and shall include:

- A clear summary of the decision and reasons for the decision.
- If the decision involves money owed, the amount owed. The date the decision is effective.

PHA is not bound by hearing decisions which:

- Concern matters in which PHA is not required to provide an opportunity for a hearing.
- Conflict with or contradict to HUD regulations or requirements.
- Conflict with or contradict Federal, State or local laws.
- Exceed the authority of the person conducting the hearing.

PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer's determination within 10 business days. The letter shall inc1ude PHA's reasons for the decision. All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

PHA is not required to afford program participants or applicants an informal hearing, informal review or any type of grievance or appeal for the following:

1. Activity that threatens the health, safety or peaceful enjoyment of any persons residing in immediate vicinity, PHA's employees, representatives, contractors, agents, law enforcement officials, and / or public.

2. Drug-related criminal activity on or off rented property, by program participant / tenant, members of program participant's household or guests. Drug-related criminal activity shall mean the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance [as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)]; and alcohol abuse which PEA has determined interferes with the health, safety or peaceful enjoyment of property by persons residing in immediate vicinity, PHA’s employees, representatives, contractors, agents, law enforcement officials, and / or public PHA has adopted a "One Strike" or "Zero Tolerance" policy with respect to these types of serious violations (listed as 1 and 2 above) as required by Federal Law and / or regulation. Termination which result from these types of serious violations are civil in nature, not criminal, and arrest and/or

conviction for persons accused of these types of serious violations are not necessary as conditions to terminate. Any applicable State law to the contrary, whether current or promulgated in the future, is preempted by applicable Federal law and/or regulation.

D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ASSISTANCE TO NON-CITIZENS" 24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the PHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, PHA must notify the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give PHA a copy of the appeal and proof of mailing, or PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within 14 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 14 days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in Section C of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members, PHA will:

- Deny the applicant family.
- Terminate the participant if the family does not qualify for deferral.

If there are eligible members in the family, PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All Other Complaints Related to Eligible Citizen/ Immigrant Status

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family-members fail to provide, the family will denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights describes above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as termination for any other type of fraud.

E. MITIGATING CIRCUMSTANCES FOR APPLICANTS / PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552]

When applicants are denied placement on the waiting list or PHA is terminating assistance to participants, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

ADDENDA

ADDENDUM 1.1:
Code of Conduct

The program's supervisor will revise all new contracts before the signature of the parties involved in order to certify that there is no conflict of interest of any of the parties involved.

With reference to the parties, it means those mentioned in the 24 CFR 982.161 or any other not mentioned who may affect the contract in question in this subject. This will avoid committing an error from the beginning.

The contract revision will be conducted in the following manner:

1. All contracts
2. Directly (if the case is known)
3. At random (by drawing case numbers)

One of the following actions may be taken if a contract is found where a conflict of interest may exist:

1. Request the restitution for the monies of the benefits offered.
2. Contract cancellation
3. Suspension of employment and salaries of the employee involved in the matter.
4. Refer the case to Legal Division for the corresponding action.

In any of the cases a written notice will be issued to the parties involved, allowing ten (10) working days to request in writing an informal hearing, where he(she) may present the necessary defense. He (she) may have legal defense if he (she) so whishes, at his own expense.

The petitioner will be notified indicating the day, time and place where the hearing will be conducted. This hearing cannot be conducted by any of the parties involved in the case nor by any of the employees working directly or indirectly with the Section 8 Program. Once the case is settled, the president of the hearing will inform in writing to the affected person or persons and to the PHA of the decision that the committee has made.

In case that the lesser does not return the total or the corresponding part of the deposit, if any, the tenant will not be rented any unit in the future until there is evidence of the refund.

ADDENDUM 2.1:
Conflict of Interest
Sec. 982.161

(a) Neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

(1) Any present or former member or officer of the PHA (except a participant commissioner)

(2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;

(3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or

(4) Any member of the Congress of the United States.

(b) Any member of the classes described in paragraph (a) of this section must disclose their interest or prospective interest to the PHA and HUD.

(c) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

ADDENDUM 3.1:
Crime by Family Members
Sec. 982.553

(a) At any time, the PHA may deny assistance to an applicant, or terminate assistance to a participant family if any member of the family commits:

(1) Drug-related criminal activity; or

(2) Violent criminal activity.

(b) If the PHA seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one year before the date that the PHA provides notice to the family of the PHA determination to deny or terminate assistance. The PHA 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:

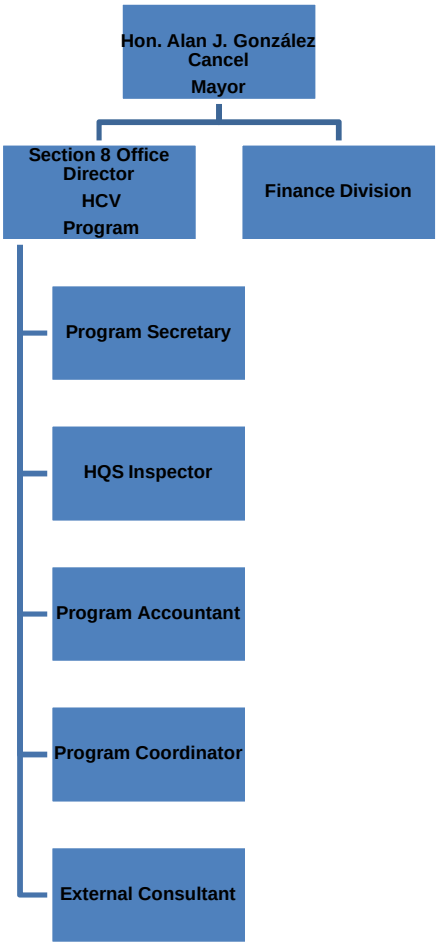
(1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and

(2) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may 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.

(c) Evidence of criminal activity. In determining whether to deny or terminate assistance based on drug-related criminal activity or violent criminal activity, the PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

ADDENDUM 4.1:

MUNICIPALITY OF UTUADO
HOUSING DEPARTMENT
ORGANIZATIONAL CHART



Attachment 1
VAWA Statement – Annual Plan 2010

The Utuado Public Housing Authority (UPHA) has adopted a policy to implement applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act 2005 (Pub. L. 109-162, - VAWA). The PHA amended in 2008, the Housing Choice Voucher Program Administrative Plan to include such policy.

The PHA goals and objectives under VAWA regulation are:

1. Maintaining compliance with all applicable legal requirements imposed by VAWA.
2. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by the PHA.
3. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by Utuado PHA.
4. Providing and maintaining housing opportunities for victims of domestic violence, dating violence or stalking.
5. Creating and maintaining collaborative arrangements between PHA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by the PHA.

A. The following activities, services, or programs are provided by PHA, directly or in partnership with other service providers, to child and adult victims of domestic violence, dating violence, sexual assault or stalking.

No supportive services are being provided at this time. Utuado Public Housing Authority has no report of incident or incidents of actual or threatened domestic violence, dating violence of stalking.

B. Activities, services or programs are provided by PHA to help child and adult victims of domestic violence, dating violence, sexual assault, or stalking to obtain or maintain housing.

(1) VAWA does not require an admissions preference. However, the PHA have adopted domestic violence as a local preference.
(2) Families participating in Section 8 Voucher Program received information on VAWA relating to confidentiality, denial of assistance and termination of tenancy or assistance.

(3) All owners were notifying on families participant rights under VAWA and their responsibilities as owners.

(4) Annually the Municipality participates in meetings and conferences sponsored by Office for Woman Affairs (Procuradora de la Mujer), related to domestic violence prevention and sexual assault.