

1.0	PHA Information PHA Name: <u>MUNICIPALITY OF HORMIGUEROS</u> PHA Code: <u>RQ035</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2010</u>				
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: <u>103</u>				
3.0	Submission Type <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)N/A				
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program
					PH HCV
	PHA 1:				
	PHA 2:				
	PHA 3:				
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.				
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.				
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. PHA Goal #1- Expand the supply of assisted housing Specific Objectives: <ul style="list-style-type: none"> • Apply for additional voucher when available • Leverage private or other public funds to create additional housing opportunities by combining State and local funds to create additional housing opportunities for low income persons PHA Goal #2- Improve the quality of assisted housing Specific Objectives: <ul style="list-style-type: none"> • Improve voucher management to increase SEMAP scores • Increase customer satisfaction by enforcing the Housing Quality Standards • Concentrate on efforts to improve specific management functions by maintaining the PHA staff updated with policies and occupational trainings PHA Goal #3- Increase assisted housing choices Specific Objectives: <ul style="list-style-type: none"> • Provide voucher mobility counseling during the initial briefings and as required, tenants will be oriented about portability and mobility. Considering that in portability: As established in the 24 CFR 982.314(e)(1), at any time, the PHA may deny permission to move if the PHA does not have sufficient funding for an increase in assistance. For instance, the PHA has the authority to deny a family's request to move under the portability procedures to a unit in another jurisdiction that would require the PHA to pay a higher subsidy cost for the same family's assistance if the PHA determines that does not have sufficient funding available under their calendar year budget to accommodate such a move and the receiving PHA will not absorb the family into its own program. • Conduct outreach efforts to potential voucher landlords • When necessary increase voucher payment standards PHA Goal #4- Promote self-sufficiency and asset development of families and individuals Specific Objectives: <ul style="list-style-type: none"> • Provide or attract supportive services to improve assistance recipients' employability • Make alliances with public (WIA) and private organizations to provide supportive educational services to tenants PHA Goal #5- Ensure Equal Opportunity in Housing Specific Objectives: <ul style="list-style-type: none"> • Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability including publishing notices indicating that housing vouchers are available regardless of race, color, religion, national origin, sex, familial status, and disability. 				

	<ul style="list-style-type: none"> Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability by offering referrals and briefings regarding housing and job opportunities and providing briefings and handouts regarding Fair Housing and Equal Opportunity <p>PHA Progress in Meeting the Goals and Objectives Described in the 5-Year Plan for FY 2005-2010: During the past years, the municipality made progress toward accomplishing these objectives. Highlights of achievements are as follows:</p> <ul style="list-style-type: none"> The Municipality of Hormigueros kept searching for opportunities to apply for additional rental voucher by a Proposal to the Fair Share Allocation of Incremental Voucher Funding (NOFA) as they become available, and requirements were met. The Municipality has contribute to improve families quality of life providing safe, sanitary and affordable housing Several landlords were oriented about the section 8 program requirements and enrollment requirements In the initial briefings and as required, tenants were oriented about the mobility and portability options of the voucher program. Reviewing the payment standards PHA assists to workshop, training and seminars in order to increase program administrative skills. Tenants were oriented about job training and placement opportunities in the municipality and referrals were made to designate (private and governmental) agencies. It includes: coordinate job training and placement opportunities through a Consortium (Law 52) with others Municipalities. Tenants are oriented regarding the Equal Opportunity Act and the Hearing/Complaints processes. Equal opportunity was offered to all participants including persons with disabilities Equal opportunity handouts and other orientation material are available for participants Equal opportunity handout is placed on the PHA main office Manage the FSS and HOPWA programs <p>VAWA Policies</p> <p>See Appendix 2</p>
6.0	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p>None</p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. All documents related to the PHA plan will be available at:</p> <p>Section 8 Program Office Calle Mateo Fajardo #11 Hormigueros, Puerto Rico 00660</p>
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i></p> <p>N/A</p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p> <p>N/A</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p>N/A</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p>N/A</p>
8.3	<p>Capital Fund Financing Program (CFFP).</p> <p><input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p> <p>N/A</p>

9.0	<p>Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p style="text-align: center;">See Appendix 1</p>
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	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</p> <p style="padding-left: 40px;"><u>Identified Need #1:</u> Shortage of affordable housing for all eligible populations</p> <p style="padding-left: 80px;">Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:</p> <ul style="list-style-type: none"> • Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction • Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required. The PHA will identify housing units based on the size needs of the families. • Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. At least one orientation meeting will be conducted to inform potential landlords of leasing opportunities. • Participate in the Consolidated Plan development process to ensure coordination with broader community strategies. Assist to Consolidate Plan Public Hearing <p style="padding-left: 80px;">Strategy 2: Increase the number of affordable housing units by:</p> <ul style="list-style-type: none"> • Apply for additional section 8 units should they become available <p style="padding-left: 40px;"><u>Identified Need #2:</u> Specific Family Types: Families at or below 30% of median</p> <p style="padding-left: 80px;">Strategy 1: Target available assistance to families at or below 30 % of AMI</p> <ul style="list-style-type: none"> • Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance <p style="padding-left: 40px;"><u>Identified Need #3:</u> Specific Family Types: The Elderly</p> <p style="padding-left: 80px;">Strategy 1: Target available assistance to the elderly</p> <ul style="list-style-type: none"> • Apply for special-purpose vouchers targeted to the elderly, should they become available <p style="padding-left: 40px;"><u>Identified Need #4:</u> Specific Family Types: Families with Disabilities</p> <p style="padding-left: 80px;">Strategy 1: Target available assistance to Families with Disabilities</p> <ul style="list-style-type: none"> • Apply for special-purpose vouchers targeted to families with disabilities, should they become available <p style="padding-left: 40px;"><u>Identified Need #5:</u> Specific Family Types: Races or ethnicities with disproportionate housing needs</p> <p style="padding-left: 80px;">Strategy 1: Conduct activities to affirmatively further fair housing</p> <ul style="list-style-type: none"> • Counsel Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units • Market the Section 8 Program to owners outside of areas of poverty /minority concentrations <p style="padding-left: 40px;"><u>Other Housing Needs & Strategies:</u></p> <ul style="list-style-type: none"> • Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA • Administrating the FSS Program, HOPWA Program and HPRP Program • Establishing a Payment Standard of 100% FMR
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10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year Plan. N/A</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification” A significant amendment will be a change or modification in the Annual Plan of any of the Agency Policies or Administrative Plan like changes to minimum rent, or admissions policies or organization of the waiting list. All changes to the Agency Annual Plan will be subject to an opportunity for public comment at public hearing. Substantial Deviations will be when the Agency intends to eliminate a program or existing policy stated in the Agency 5 Year Plan and formal hearings will be held.</p> <p>(c) VAWA Policies See Appendix 2</p> <p>(d) Membership of the Resident Advisory Board or Boards</p>
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	<p style="text-align: center;">See Appendix 3</p> <p>(e) Newspaper Ad Promoting and Announcing the Hearing Process See Appendix 4</p> <p>(f) List of Persons Assisting to the Public Hearing See Appendix 5</p> <p>(g) Form HUD-50077-CR: <i>Civil Rights Certification</i> See Appendix 6</p> <p>(h) Form HUD-50077-SL: <i>Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan</i> See Appendix 7</p>
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11.0	<p>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.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p> <p>See Appendix 8 (Only those that apply for this PHA)</p> <p>(a) <i>Form HUD-50077, and</i></p> <p>(b) <i>Resident Advisory Board (RAB) comments</i></p>
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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

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

Instructions form HUD-50075

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

1.0 PHA Information

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

2.0 Inventory

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

3.0 Submission Type

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

4.0 PHA Consortia

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

5.0 Five-Year Plan

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

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

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

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

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

PHA Plan Elements. (24 CFR 903.7)

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

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

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

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

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

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

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

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

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

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

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

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

8.2 Capital Fund Program Five-Year Action Plan

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

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

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

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

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

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

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

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

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

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

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

Appendix 1: (Section 9.0) Housing Needs

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/sub jurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	169		3%
Extremely low income <=30% AMI	95	60%	
Very low income (>30% but <=50% AMI)	40	30%	
Low income (>50% but <80% AMI)	30	10%	
Families with children	152	90%	
Elderly families	9	5%	
Families with Disabilities	8	5%	
Race/ethnicity	HISPANIC-169	100%	
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)	N/A	N/A	N/A
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed?			
<input type="checkbox"/> No <input type="checkbox"/> Yes			

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2010 grants)	0.0	
a) Public Housing Operating Fund	0.0	
b) Public Housing Capital Fund	0.0	
c) HOPE VI Revitalization	0.0	
d) HOPE VI Demolition	0.0	
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$485,548.00	
f) Resident Opportunity and Self- Sufficiency Grants	\$5,801.93 <i>Granted In 01/01/2009</i>	
g) Community Development Block Grant		
h) HOME		
Other Federal Grants (list below)		
2. Prior Year Federal Grants (unobligated funds only) (list below)		
3. Public Housing Dwelling Rental Income		
4. Other income (list below)		
	\$70,440.00	<i>Cost of Administration of the program</i>
4. Non-federal sources (list below)		
Total resources	\$561,789.93	

Appendix 2: (Section 10.0 (c)) Sexual Offenders and VAWA Policies

Policy for Sexual Offenders

The Municipality of Hormigueros has established standards that prohibits admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Hormigueros (RQ035) will screen the family by performing a criminal history backgrounds check, necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the dwelling unit is located and in other State where the household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a *Certificate of Penal Records*.

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

Policy for VAWA

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

The PHA goals and objectives and objectives under VAWA regulations 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 Hormigueros PHA;
4. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, or stalking;
5. Creating and maintaining collaborate agreements between Hormigueros PHA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence and stalking, who are assisted by the PHA.

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

(a) Serve Victims (child or adult)

To serve child or adult victims of domestic violence, dating violence, sexual assault, or stalking, the PHA has the Woman Affairs Office (Oficina Asuntos de la Mujer) and the Office for Support to the Citizen (Oficina Asuntos al Ciudadano), which provides the citizens of Hormigueros services for social comfort. These include referrals and coordination of services and activities such as workshops and speeches.

(b) Obtain or Maintain Housing

The PHA's Federal Programs Office (Oficina Programas Federales) with the purpose of providing affordable decent, safe, and sanitary housing to the citizens of Hormigueros, administers the following programs: Section 8 Program, HOPWA Program, FSS Program and Homeless Prevention & Rapid Re-housing Program (HPRP).

VAWA does not require an admissions preference. However, the CPHA have adopted domestic violence as local preference.

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

To prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families, the PHA provides a variety of services which include briefings, workshops and educative speeches to the community about domestic violence, among others. These services are provided primarily through the Woman Affairs Office (Oficina Asuntos de la Mujer) and Office for Support to the Citizen (Oficina Asuntos al Ciudadano).

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

Through the Recreational & Sport Department, VAWA is prevented by developing innovative educational programs keeping in mind the primarily goal which is enhancing life quality. This is reached by:

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

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

Membership of the Resident Advisory Board or Boards

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

In the PHA (Municipality of Hormigueros) the Mayor is the Executive Director (Section 8 – HCV - Program). Governing Board is for Public Housing. In Tenant Based (Section 8 - HCV) there is, instead, a Participants Advisory Board. The Official in charged for designating the Participants Advisory Board is the Section 8 (HCV), Federal Affairs or Housing Department Director or Coordinator. In the Municipality of Hormigueros, Mrs. Nelly Ramos Vazquez is the Director of the Federal Programs Office and Mrs. Ana Benejan Reyes is the Section 8 Program Coordinator.

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

1. Rosa M. Tirado Perez
2. Enrique Pacheco Mora
3. Maria Cruz Cancel
4. Lester Martinez Rodriguez
5. Dagne Rodriguez Tirado

(b) Resident Advisory Board (RAB) comments.

BEFORE PUBLIC HEARING:

No comments were made.

AFTER PUBLIC HEARING:

No comments were made.

Due to the fact that there were no comments and all doubts were clarified, the Participants Advisory Board endorsed the PHA's Annual Plan.).

Municipality of Hormigueros
Housing Agency of the City of Hormigueros, PR:
Administrative Plan and Procedures
FOR THE SECTION 8 TENANT BASED
HOUSING CHOICE VOUCHER RENTAL ASSISTANCE PROGRAM

	<i>Page #</i>
A. <u>PURPOSE</u>	5
B. <u>DEFINITIONS</u>	5
C. <u>GENERAL APPLICABILITY AND SCOPE</u>	12
D. <u>PUBLIC NOTICE TO LOWER-INCOME AND/OR VERY LOW-INCOME FAMILIES</u>	14
1. Notice of Availability of Housing Assistance	
2. Notice in Accordance with HUD Guidelines	
3. Opening and Closing the Waiting List	
4. Notice of Nondiscrimination	
E. <u>PUBLIC NOTICE AND INVITATION TO OWNERS</u>	19
1. Invitation to Owners	
2. Contacts with Organizations	
F. <u>ELIGIBILITY CRITERIA</u>	20
1. Family and Income Qualification	
2. Projected Income Indeterminable or Determinable for a Short Period	
3. Family with Outstanding Balance Owing	
4. Disposition of Assets	

G.	<u>VERIFICATION OF ELIGIBILITY</u>	31
	1. Application for Admission	
	2. Determination of Annual Income	
	3. Factors of Eligibility and Tenant Rent	
	4. Verification of Annual Income	
	5. Policy and Procedures for Third Party Verifications	
	6. Record of Family	
	7. Misrepresentation of Family Circumstances	
	8. Determination of Ineligibility	
	9. Suspension of Voucher Issuance	
	10. Removal from the Tenants Base Assistance Waiting List	
H.	<u>ELIGIBLE FAMILIES</u>	40
	Voucher	
	Declared Emergencies	
	Preference in Selecting Eligible Families	
	1. Tenant Selection	
	2. Family Briefing	
	3. Expiration and Extension of Voucher	
	4. Family Break-up	
	5. Family Absence From Unit	
I.	<u>SUBSIDY STANDARDS</u>	43

J.	<u>FINDER'S KEEPER POLICY</u>	47
K.	<u>PORTABILITY</u>	48
L.	<u>FAMILY'S RIGHT TO MOVE</u>	49
M.	<u>OWNER OBLIGATION TO SCREEN FAMILIES</u>	49
N.	<u>RENTAL AGREEMENT AND LEASE APPROVAL</u>	50
O.	<u>TERM OF ASSISTED LEASE</u>	51
P.	<u>HOUSING AGENCY POLICY GOVERNING OWNER APPROVAL</u>	52
Q.	<u>PAYMENTS DUE THE OWNER: HOUSING ASSISTANCE PAYMENTS AND TENANT'S RENT</u>	53
	1. Calculation of Tenant's Rent and Subsidy	
	2. Establish and Document Reasonableness of Owner's Rent	
	3. Timing of Payments	
	4. Additional Payments	
	5. Special Claims	
R.	<u>CHANGING THE PAYMENT STANDARDS: AFFORDABILITY ADJUSTMENTS</u>	55
	1. Changes in Application of the Payment Standard	
	2. Subsequent Adjustment to Initial Contract Rent	
S.	<u>SECURITY DEPOSITS</u>	56
T.	<u>CONTINUED ELIGIBILITY AND INCOME ADJUSTMENT</u>	57
U.	<u>RE-EXAMINATION</u>	60
	1. Annual Re-examination	
	2. Re-determination of Total Tenant Payments and Housing Assistance Payment	

3.	Termination of Payments	
4.	Changes in Family Size and Composition	
5.	Disclosure and Verification of Social Security Numbers	
6.	Evidence of Eligibility for Assistance Based on Citizen or Eligible Alien Status	
V.	<u>INSPECTION OF DWELLING UNIT UNDER AGREEMENT</u>	70
1.	Inspection to Determine Unit Meets HQS	
2.	Determination that Unit does not meet HQS	
W.	<u>GROUND'S FOR DENIAL OR TERMINATION OF ASSISTANCE</u>	81
X.	<u>MAHA POLICY GOVERNING</u>	81
Y.	<u>INFORMAL REVIEW OR HEARING ON AGENCY ACTION OR DECISION</u>	81
Z.	<u>USE OF SECTION 8 C/V'S FOR WITNESS RELOCATION PURPOSES</u>	84
AA.	<u>USE OF SECTION 8 ASSISTANCE TO PROMOTE HOMEOWNERSHIP</u>	84
BB.	<u>CONDUCT OF ANNUAL SURVEY OF UTILITY SUPPLIERS</u>	85
CC.	<u>EQUAL OPPORTUNITY REQUIREMENTS</u>	85
DD.	<u>EXPENDITURES FROM OPERATING RESERVES</u>	86
EE.	<u>SEVERABILITY</u>	86
FF.	<u>REPAYMENT POLICY AND PROCEDURES</u>	86
GG.	<u>FAMILY SELF-SUFFICIENCY</u>	89
	Appendices	A1
	Exhibit 1: Rent Reasonableness Methodology	
	Exhibit 2: Repayment Policy And Procedures	
	Exhibit 3: Types of Income Policy and Procedures	

A. PURPOSE

These policies and procedures are adopted by the Municipality of Hormigueros Housing Agency to set forth the essential elements to implement Title 24 of the Code of Federal Regulations (CFR), as established in 24 CFR Part 5 Subpart F (Definition of Income and General Factors of Eligibility), as amended; the Housing Voucher Program as established in 24 CFR Part 982.

B. DEFINITIONS

Unless otherwise clear from the context as used herein, the following terms for the purpose of this rule shall mean:

1937 Act: Section 8 of the U.S. Housing Act of 1937 as amended

Adjusted Income: Annual income less certain allowances as outlined in 24 CFR 5 Subpart F, as amended.

Admission: The effective date of the first HAP contract for a family in a tenant-based program. This is the point when the family becomes a participant in the program.

Housing Agency: Municipality of Hormigueros Housing Agency

Annual Contributions Contract (ACC): A written agreement between HUD and the Housing Agency to provide annual contributions to cover housing assistance payments and other related expenses. This is now a consolidated agreement for the Section 8 Rental Voucher Programs.

Annual Income: The anticipated total income of a family for a 12-month period as outlined in 24 CFR 5, as amended.

Assets: Net cash value as outlined in 24 CFR 5 Subpart F, as amended

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age as outlined in 24 CFR 5, as amended

Citizen: A family member who is a U.S. Citizen by birth, a naturalized citizen or a national of the United States of America.

City: Hormigueros, PR

Contract of Participation (FSS Contract): A contract, as described in 24 CFR 984.103, that sets forth the terms and conditions governing the FSS family's participation in the FSS program.

Continuously Assisted Family: Families who have received any form of Federal Housing Assistance under the U.S. Housing Act of 1937, as amended, within the 120 day period preceding the date of the eligibility interview shall be considered “income eligible”, if otherwise eligible under the remaining program rules.

Dependent: A member of the eligible family household other than family head or spouse, who is under 18 years of age or **is age 18 and older AND** is a disabled person or handicapped person or is a full-time student.

Disabled Person: A person with a disability as defined in 24 CFR 5, as amended.

Displaced Person: A person as defined in 24 CFR 5, as amended, or a person displaced pursuant to a HUD directive, or a person whose dwelling has been extensively damaged by fire or natural disaster.

Domicile: The legal residence of the household head or spouse as determined in accordance with State and local laws.

Drug-related criminal activity: Drug-trafficking; or Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug trafficking: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute a controlled substance.

Elderly Family: A family as defined in 24 CFR 5, as amended.

Elderly Person: A person who is at least 62 years of age.

Family: A family consisting of two or more persons sharing residency who are either related by blood, marriage, or operation of law or have evidenced a stable family relationship and as defined in 24 CFR 5, as amended.

Fair Market Rent: The maximum rent, including utilities, as annually established by HUD for dwelling units of varying sizes (number of bedrooms) for the purpose of establishing local payment standards.

Family Income (Annual Income): Income as defined in 24 CFR 5, as amended.

Family Self Sufficiency Program or FSS Program: The program established by the Municipality of Hormigueros Housing Agency to promote self-sufficiency among participating families, including the provision of supportive services to these families.

FSS Family or Participating Family: A family that receives assistance under the Section 8 Housing Choice Voucher program, and that elects to participate in the FSS program, and whose designated head of the family has signed the contract of participation.

FSS Related Service Program: Any program, publicly or privately sponsored, that offers the kinds of supportive services determined to be appropriate in assisting FSS families achieve economic independence and self-sufficiency.

FSS Slots: The total number of vouchers that comprise the *minimum program size* of the Municipality of Hormigueros Housing Agency's FSS program.

Family Unit Size: The appropriate number of bedrooms for a family pursuant to the Housing Agency's duly adopted *subsidy standards* determines family unit size.

Funding Increment: Each commitment of budget Housing Agency by HUD to a Housing Agency under the consolidated annual contributions contract for the Housing Agency program.

Full-Time Student: A person who is in full-time attendance (equal to a full-time day student) under the standards and practices of the educational institution he or she is attending.

Gross Rent: The Contract Rent plus any utility allowance for tenant paid utilities and other services.

Handicapped Person: A person having a physical or mental impairment as defined in 24 CFR 5.

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Homeless Family: A person or family as defined in 24 CFR 5 Subpart F, as amended.

Housing Assistance Payment (HAP): The monthly rental assistance payment remitted by the Housing Agency on behalf of a Section 8 participant.

Housing Choice Voucher: New and only form of Section 8 tenant based rental assistance as of October 1, 1999.

INS: The U.S. Immigration and Naturalization Service.

HUD Requirements: HUD requirements are issued by HUD headquarters; such as regulations, Federal Register notices, handbook requirements or other binding program directives for the Section 8 housing voucher program.

Housing Assistance Payments Contract ("Contract"): A written contract between the Housing Agency and an owner to make Housing Assistance Payments to the owner on behalf of an eligible family participating in the Housing Choice Voucher Program.

Housing Choice Voucher: A document (HUD Form 52646) issued by the Housing Agency declaring a family to be eligible for participation in the Section 8 Housing Choice Voucher Program and stating the terms and conditions for the family's participation.

Housing Quality Standards (HQS): The inspection performance requirements and acceptability criteria for housing set forth in 24 CFR 982.401, as amended.

HUD: The United States Department of Housing and Urban Development.

Involuntary Displacement: Displacement of a person or family as outlined in 24 CFR 5 Subpart F.

JTPA Program: Program covered under the *Jobs Training Partnership Act*.

Live-in Aide: A person as defined in 24 CFR 5 Subpart F, as amended.

Lower-Income Family: A family whose income does not exceed 80 percent of the median income for the City as determined by HUD with adjustments for size of family.

Medical Expenses: Those medical expenses which are anticipated to be incurred during the 12-month period for which the Annual Income is computed, and which are not covered by medical insurance (premiums for such medical insurance may be included as medical expenses) or any other source.

Merger Date: The date HUD officially merged the rules governing the Certificate and Voucher Programs into one form of rental assistance (i.e., October 1, 1999).

Mixed family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Moderate Rehabilitation: Generally defined to mean required dwelling unit repairs

required to meet or exceed HQS at a total cost of \$1,000.00- 5,000.00 per unit.

Monthly Income: One-twelfth of the Annual Income (also called Monthly Gross Income).

Monthly Income After Allowances: One-twelfth of the Adjusted Income.

Near-Elderly: A person who is at least 50 years of age but below the age of 62.

Non-Citizen: A person who is neither a citizen nor a national of the United States.

Owner: Any person or entity, including a cooperative, having the legal right to lease or sub-lease a unit to participant.

Payment Standard: A schedule of amounts adopted by the city for each bedroom size that is used to determine the housing assistance (subsidy) a family will receive in the Voucher Program.

Portability: Moving with Section 8 housing choice voucher rental assistance (subsidy) to a dwelling unit outside of the jurisdiction of the issuing or initial Public Housing Agency.

Pre-Merger Certificate: Section 8 Certificate issued to a qualified family before October 1, 1999.

Pre-Merger Voucher: Section 8 Voucher issued to a qualified family before October 1, 1999.

Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.

Public Assistance: Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by the Federal and/or State governments.

Public Housing Agency: PHA

Remaining Member. *A remaining member of a tenant family* is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit. To remain in occupancy with continued rental assistance the remaining tenant family member must be of legal age to enter into a lease pursuant to state law, and must not be a current or recent participant in criminal activity as defined under the 1998 PHRA.

Rental Agreement: A written agreement between an owner and an eligible family to rent a unit.

Rent to Owner: The rent payable to the owner as approved by the PHA pursuant to the owner's request and the rent reasonableness criteria.

Reasonable Rent: A rent to owner that is not more than either the rent charged for comparable units in the private unassisted market; or rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

Residency Preference: A Housing Agency preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

Residency Preference Area: The specified area where families must reside to qualify for a *residency preference*.

Section 214: Section 214 of the *Housing and Community Development Act of 1980*, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

Single Person: A person living alone or intending to live alone.

Special Admission: Admission of an applicant that is not on the PHA's waiting list, or admission without considering the applicant's waiting list position, such as a person who is displaced by HUD action with the promise of Section 8 rental assistance.

Spouse: Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship.

Subsidy Standards: Standards established by a Housing Agency to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. (See definition of Family Unit Size)

Supportive Services: Those appropriate services that the Housing Agency will make available to an FSS family under a contract of participation. These services may include childcare, transportation, education, employment, counseling, and other services determined to be appropriate in assisting FSS families achieve economic independence and self-sufficiency.

Suspension: Stopping the clock on the term of a family's voucher, for such period as

determined by the Housing Agency, from the time when the family submits a request for Housing Agency approval to lease a unit, until the time when the Housing Agency approves or denies the request.

Substandard Housing: Housing that is physically deficient as defined in 24 CFR 982.219, as amended.

Tenancy Addendum: The lease language required by HUD to be included in the lease between the tenant and the owner.

Tenant: The person or persons who executes the lease or lessee of the dwelling unit.

Tenant Rent: The amount payable monthly by the family as rent to the owner.

Total Tenant Payment (TTP): The monthly cost of rent and utilities payable by the assisted family consistent with the HUD-required formula.

U.S. Department of Housing and Urban Development: HUD

Utility Allowance: An amount equal to the estimate established by the Housing Agency of the monthly costs of utilities (except telephone) and other housing services for an assisted unit, which are not included in the tenant rent, but is the responsibility of the family occupying the unit.

U.S. National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Utility Reimbursement Payment: The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. This amount can be paid directly to the tenant or the Utility Supplier pursuant to the PHA's adopted policy.

Very Low-Income Family: A family whose income does not exceed 50 percent of the median income for the City as determined by HUD, with adjustments for size of family.

Violent Criminal Activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Waiting List Admission: An admission from the Housing Agency's waiting list.

C. GENERAL APPLICABILITY AND SCOPE

The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of eligible families pursuant to the provisions of Section 8 of the U.S. Housing Act of 1937, as amended. To implement the Housing Choice Voucher Program, the Housing Agency, with the approval of HUD, is authorized to make housing assistance payments on behalf of eligible families who rent units which meet or exceed HUD's Housing Quality Standards (HQS) during the period of the ACC.

PC-§1.00 Scope of the Section 8 Administrative Plan

The Section 8 housing choice voucher program is federally funded and locally administered by the Municipality of Hormigueros Housing Agency through its Section 8 housing office (hereinafter referred to as the office or the program).

Local rules, which are made a part of this Section 8 Administrative Plan, are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

Local Programs subject to the provisions of this Section 8 Administrative Plan, as applicable, include:

- Housing Choice Vouchers

Required program forms are located in HUD Handbook 7420.8 and on the worldwide web at www.hudclips.org.

PC-§1.01 Statement of Compliance with Applicable Fair Housing Laws

The Municipality of Hormigueros Housing Agency is an equal opportunity employer and an equal opportunity housing provider.

The Housing Agency will administer its housing programs in a nondiscriminatory manner without regard to race, color, creed, national origin, religion, sex, age, handicap or familial status.

The Housing Agency will comply with all federal, state and local fair housing Statutes, Executive Orders and comparable laws, including, but not necessarily limited to:

- a. Title VI of the Civil Rights Act of 1964, as amended
- b. Title VII of the Civil Rights Act of 1968, as amended
- c. Section 504 of the Rehabilitation Act of 1973, as amended
- d. Fair Housing Amendments Act of 1988
- e. Title II of the Americans with Disabilities Act

f. State/local Fair Housing Laws

The Housing Agency will provide federal/state/local information regarding discrimination and recourse in the event of discrimination.

Prospective and participating landlords will be apprised of applicable Fair Housing Laws and the Housing Agency's policy regarding the full range of actions to be taken against landlords involved in discriminatory leasing practices.

The Housing Agency subscribes to HUD's open-housing policy and will maintain lists of available housing to ensure greater housing choice/opportunities for low-income households served by this Housing Agency.

If an applicant or participating family believes they have been the victims of illegal discrimination the Housing Agency will provide:

- HUD's Fair Housing Brochure (dated 7/90);
- Assistance in completing HUD form 903; and/or
- Referral to the Regional HUD Office of Fair Housing.
- Referral to state or local fair housing organizations

The MAHA may extend the family's term of voucher ("search time"), not to exceed 150 days, where there is sufficient evidence to lead the agency to believe the family's efforts to locate suitable housing has been impeded by discriminatory actions (or inactions) by prospective landlords or realtors.

PC-§1.02 Applicability of the Privacy Act

The Housing Agency will facilitate the full exercise of rights conferred on individuals under the Privacy Act of 1974, [5 U.S.C. 552A] and will ensure the protection of privacy as to individuals about whom the office maintains records under its Section 8 Housing Choice Voucher Housing Program, except that information which is part of the applicant or tenant's file with regard to current/prior participation in drug-related or violent criminal activity, history of excessive damage to units created by applicant or tenant-family, or eviction from Section 8 assisted units, will be shared with prospective landlords.

A release form, executed by all adult family members, will accompany any requests for release of information.

D. PUBLIC NOTICE TO LOWER-INCOME AND/OR VERY LOW-INCOME FAMILIES

1. Notice of Availability of Housing Assistance

The Housing Agency shall periodically make known to the public through publication in a local daily newspaper of general circulation, minority print media and other suitable means, the availability and nature of housing assistance for Low-Income families. The notice shall further inform such families where and how they may apply for Section 8 Voucher assistance. The notice shall also state that occupants of housing assisted under the 1937 Act, and applicants on waiting lists for any such housing, must apply if they wish to be considered for a Voucher. In addition, the notice shall state that applicants for a Section 8 Voucher will not lose their place on the waiting list for public housing at the Municipality of Hormigueros Housing Agency.

2. Notice in Accordance with HUD Guidelines

Such notice shall be made in accordance with the Housing Agency's most recently adopted Section 8 Administrative Plan. Upon request, the Housing Agency shall send to the HUD field office a copy of the Section 8 Administrative Plan.

3. Opening and Closing the Waiting List

The Housing Agency will give public notice when the waiting list is opened, including any limitations on who may apply. If the Housing Agency determines that its waiting list contains an adequate pool for use of its available funding, the Housing Agency may stop accepting applications.

4. Policy Governing Cross-Listing and Merging of Waiting Lists

The Municipality of Hormigueros Housing Agency will not merge its Section 8 tenant-based assistance waiting lists with its project-based waiting lists for conventional public housing.

The agency will maintain a single, automated waiting list for Section 8 applicants consistent with HUD's instructions under Part 1 of the Section 8 Conforming Rule. If the public-housing waiting list is open at the time a family submits a pre-application for Section 8 assistance the family will be afforded the opportunity to be cross-listed on the Municipality of Hormigueros Housing Agency's public housing waiting list with the:

- a. Same date/time of application
- b. Same preference codes.

5. Notice of Nondiscrimination

All notices of general circulation regarding the availability of the program, and any notices to prospective applicants/participants or owners shall state the Housing Agency promotes nondiscrimination in housing and will assist any family who alleges discrimination by staff and/or owners. Such assistance may include any of the following: (a) assisting the family in completing HUD Form 903; (b) referring the family to the local legal aid society; (c) referring the family to the California Civil Rights Housing Agency; (d) providing the family with the toll free number for HUD's Office of Fair Housing in Washington, DC.

PD-§1.00 Statement of Program Approach and Planned Outreach

The Housing Agency will implement its Section 8 Rental Assistance Program in a manner consistent with the Housing Agency's mission of providing "*decent, safe, sanitary, and affordable*" housing. The Municipality of Hormigueros Housing Agency will promote outreach about its programs and services, regarding the availability and nature of the Section 8 housing choice voucher program.

Outreach methods and strategy will be redesigned if it is determined that a particular segment or segments of the community are not being reached.

Efforts to reach those persons where Spanish may not be their first language will include the use of:

- a. HUD forms which are printed in different languages; and
- b. Public notices in newspapers that serve various non-Spanish speaking populations.

Newspapers to be used to advertise the availability of the program and to recruit owners of rental housing outside areas of low income and high minority concentration may include, but will not necessarily be limited to:

- a. El Nuevo Dia
- b. El Vocero de Puerto Rico
- c. El San Juan Star

During periods of time when the Housing Agency is accepting applications, interested persons will be afforded the opportunity to make written pre-application for assistance, even if it appears through discussion with the applicant that they may not qualify for assistance. All determinations of eligibility for the waiting list will be made solely based upon the written or oral representations of the family on the pre-application housing application forms. If a family

appears to be eligible they will be placed on the waiting list. A final determination of eligibility will not occur until the Housing Agency actually has a form of assistance available to offer the family. At that time, the Section 8 program staff will conduct the family's final eligibility interview and undertake the required verification procedures.

To facilitate agency compliance with HUD's *income targeting requirements* an assertive effort to identify and assist *extremely low income families* will be accomplished through outreach activities with:

- Department of Family and Children's Services (local TANF agency)
- Puerto Rico Department of Employment Services
- Puerto Rico Board of Education
- Local hospitals, colleges and universities

The AHA will notify organizations representing persons with disabilities and ethnic minority populations of the period of time for which applications for Section 8 rental assistance will be provided. These same organizations will be recruited to assist the populations they serve by:

- Providing transportation to the interview and to search for housing outside of areas of high poverty or minority concentration;
- Assisting the applicant in organizing family data to be brought to the interview;
- Negotiating rents and security deposits with prospective landlords;
- Securing required security and/or utility deposits;
- Acquiring furniture.

The application will ask how the applicant heard about the program as a means of feedback on the effectiveness of the agency's outreach program, and to modify its strategy to reach under-represented populations.

PD-§1.01 Maintaining The Waiting List

The Municipality of Hormigueros Housing Agency maintains a master waiting list for the Section 8 Housing Choice Voucher Programs.

The waiting list will provide the following information on apparently eligible households who have an active form of application (pre-application or full application):

- a. Name of head of household;
- b. Date and time the pre-application was received;
- c. Unit size(s) most appropriate to meet the family's needs;
- d. Preference status codes; and
- e. Race/ethnicity of head of household
- d. Annual Income (for income-targeting compliance)

PD-§1.02 Policy and Procedures Governing *Income Targeting* in Section 8 Waiting List Selections

The Municipality of Hormigueros Housing Agency will implement *income targeting* consistent with the provisions of the Public Housing Reform Act of 1998. Family selections from the waiting list will be made in a manner that assures at least seventy five percent (75%) of all new admissions within the PHA’s fiscal year have income at or below the *extremely low income* (ELI) limit for this area.

To ensure compliance with this requirement the agency will code its waiting list applicants by *income range* as follows:

Code 1= low *income* (i.e., family income reported at 51-80% of area median income);

Code 2= very low *income* (i.e., family income reported at 31-50% of area median income); and

Code 3= *extremely low income* (i.e., family income reported at zero to 30% of area median income).

The Municipality of Hormigueros Housing Agency may select an applicant from its waiting list based on income range, and without regard to locally adopted preferences in tenant selection, if necessary to assure federal compliance with *annual income targeting requirements* for the Section 8 housing choice voucher program.

Section 8 program management staff will undertake the following procedures to establish and maintain compliance with its *income targeting requirements*:

- Step 1: 90 days prior to the start of the new fiscal year, collect the data required to estimate the annual gross incomes of waiting list applicants (see *income codes* on the waiting List);
- Step 2: Estimate the number of families expected to be admitted over course of upcoming fiscal year based on historical data (use unit turnover data from current fiscal year);
- Step 3: Estimate number of families to be selected from the waiting list to facilitate 100% lease-up in upcoming fiscal year (use *success rate data* on number vouchers issued vs. number of contracts executed in current fiscal year);
- Step 4: Based on current distribution of ELI families on the waiting list determine if the MAHA can accomplish its requirement for 75% ELI admissions utilizing its “regular” tenant selection process, or if agency must intensively monitor waiting list selections to determine need to implement strategy (e.g., suspend regular *preferences* for ELI preference; open the waiting list for new ELI applicants; increase outreach to organizations representing the ELI populations).

PD-§1.03 Updating The Waiting List

The Housing Agency will initiate a periodic update of the applications received. The applicant will:

- Be mailed an update letter of interest regarding continued interest (sent by 1st class mail to the applicant's most recently reported address);
- Be required to complete the update form and return it within thirty (30) calendar days of mailing by the Housing Agency in order to maintain their name on the waiting list.

If the family fails to respond within the specified time period they will be determined ineligible and sent a notice with the reason and their right to request an informal review. For each notice returned marked “*Addressee Unknown*”, staff will close the application, attach the returned notice and envelope, and file and maintain for three (3) years.

For each application for which there has been no response and no returned notice, the MAHA will send a second notice by certified mail providing a final deadline. When the final deadline passes with no response, the family’s application will be closed and maintained with the record of certified delivery for a period of three years.

Any changes in the family's circumstances that affect their place on the waiting list, such as a change in local preferences, will be made as of the date of the Application Update with the Housing Agency.

The family will maintain their original date of application no matter how many times there are changes in their circumstances while they are on the waiting list.

PD §1.04 Closing And Reopening The Waiting List

The Housing Agency reserves the right to:

1. Discontinue application taking for all or some targeted applicant families when it has been determined by the Housing Agency's Manager or designee that there is insufficient funding;
2. Give public notice whenever the waiting list will reopen through a local newspaper of general circulation and selected minority print media;
3. State where and when interested persons may apply and any limitations on who may apply, as well as any reasonable accommodations for persons with disabilities who wish to apply.

PD-§1.05 Selections From The Section 8 Waiting List

Families will be selected for program participation as either a waiting list selection or special admission (non-waiting list admission).

“Special admissions” are made without regard to the family's position on the waiting list or even if the family is not on the waiting list. These admissions occur only when HUD gives the Housing Agency a special allocation of Section 8 funding for specific families living in certain targeted units. Special admissions are permitted when HUD provides special funding for general categories of targeted families such as the homeless or families displaced due to natural disaster, or due to the sale of a HUD foreclosure.

E. PUBLIC NOTICE AND INVITATION TO OWNERS

1. Solicitation to Owners

The Housing Agency shall periodically solicit owners through publication in a local newspaper of general circulation and other suitable means to make dwelling units available for rental by eligible families. In so doing, the Housing Agency shall encourage participation by owners of

units in areas other than those with concentrations of low-income or minority families. Solicitation to owners shall be made in accordance with the applicable HUD guidelines. The Housing Agency shall prepare and distribute *owner's fact sheets and owner's briefing packets*, which explain the basic program requirements and owner benefits to participating in the Section 8 rental assistance programs. The Section 8 staff shall also address members of local organizations representing the rental market.

The Section 8 staff shall prepare maps that show various areas, both within and neighboring its jurisdiction, to assist families in renting housing outside areas of poverty or minority concentration. The maps will be used during briefing sessions, along with information about job opportunities, schools and services in these non-impacted areas to encourage the applicants to consider these areas when seeking a place to live. To further support this effort, to de-concentrate pockets of poverty, the Section 8 staff shall include in the tenant's briefing packet a list of owners who are willing to lease, or properties available for lease under the voucher program, or a list of other organizations that will help families find units. The list shall include properties or organizations that operate outside areas of poverty or minority concentration.

2. Contacts with Organizations

The Housing Agency shall periodically:

- a. Request the HUD field office to furnish a list of HUD held properties available for rent in the Berkeley Metropolitan Area,
- b. Develop working relationships with owners and real estate broker associations,
- c. Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacements, and
- d. Explain the program, including equal opportunity requirements and Section 504 nondiscrimination requirements, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

F. ELIGIBILITY CRITERIA

1. Family Qualification for Rental Assistance

All applicants must qualify under the following factors of eligibility. This includes family's ability to meet the Housing Agency's/HUD's *definition of a family; document U.S. Citizen, U.S. national or eligible immigration status; have income at or below 50% of median income; not owe the Housing Agency or any other HA monies as a prior Section 8 participant; within the past 3 years no participation in drug-related or violent criminal activity, provide all applicable certifications and documentation.*

2. Projected Income Indeterminable or Determinable for a Short Period

If a family is determined to have *unstable income* or reports *zero income* the Housing Agency shall place the family on a more frequent than annual re-examination schedule. Based upon individual circumstances this may result in a 30, 60 or 90-day interim reporting schedule. It is expected that most such families will be subject to a 90-day interim reporting requirement.

3. Family with Outstanding Balance Owing

An applicant with an outstanding balance owed to the Housing Agency in connection with its Section 8, public housing and/or other housing programs under the 1937 Act will be declared ineligible for housing assistance until the outstanding balance is paid in full. If an applicant family is determined to owe the Housing Agency or Housing Agency money as a prior participant in the Section 8 or public housing programs it is the policy of this Housing Agency to offer the family the opportunity to enter into a repayment agreement while on the waiting list.

When the family reaches the top of the waiting list all prior monies owed must be paid in full as a factor of initial eligibility. Family must make full payment within 14 calendar days of the final eligibility interview. Failure to do so will result in denial of eligibility and family's name will be removed from the waiting list. Each family so denied will be advised in writing with procedures to follow to request an informal review.

For participating families, the Housing Agency may offer a repayment agreement. The family's non-compliance with the terms of the repayment agreement is considered grounds for termination of program participation. The Housing Agency will give both the family and the owner 30 days written notice of intent to terminate for family's failure to comply.

Applicants and participant families will be offered the opportunity for an informal review or hearing in accordance with Section Y of this plan.

4. Prior Termination from Section 8 Program

The Municipality of Hormigueros Housing Agency may deny assistance to the applicant if the applicant has been previously terminated from a Section 8 Rental Voucher programs for violation of program obligations, or if a family member has been evicted from public housing in the three year period, preceding the date of application, for drug related criminal activity unless there is evidence of successful completion of drug rehab or the family member involved in drug related criminal activity is no longer a member of the applicant/participant household.

2. Projected Income Indeterminable or Determinable for a Short Period

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5. Disposition of Assets

An applicant who has assigned, converted, transferred, or otherwise disposed of assets within two years prior to the date of initial certification or re-certification shall have the value of such assets included in the determination of net family assets as set forth in 24 CFR 5 Subpart F, as amended.

- a. The Municipality of Hormigueros Housing Agency will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding effective date of the certification or re-certification.
- b. If the family certifies that they did dispose of assets for less than fair market value, a certification that shows:
 - All assets disposed of for less than Fair Market Value;
 - The date they disposed of the assets;
 - The amount the family received; and
 - The assets' market value at the time of disposition.

PF-§1.00 Establishing Applicant Eligibility

All families must qualify for assistance in accordance with HUD's criteria for eligibility.

The preliminary determination of income eligibility will be based on the family's self-declared sources and amounts of income.

Factors confirming any local preferences claimed factors of eligibility and income will not be third-party verified until the family reaches the top of the waiting list.

PF-§1.01 Definition of a *Family*

The applicant must qualify as a family. A *family* may be a single person or a group of persons. Discrimination on the basis on familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.

1. Definition of Family

To qualify for rental assistance, an applicant household must meet one of the following criteria:

- a. Two or more persons regularly living together in a stable family-type relationship, who will live together in the Municipality of Hormigueros Housing Agency-assisted Housing,

- b. Two or more persons who are not related by blood, marriage, adoption, guardianship or operation of law, but are regularly living together, can verify shared income or resources, and will live together in the Municipality of Hormigueros Housing Agency housing.
- c. The term “*Family*” also includes, but is not limited to:
 - A family with or without children;
 - An elderly family;
 - A disabled family;
 - A displaced family;
 - The remaining member of tenant’s family;
 - A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family.
 - Two or more elderly or disabled persons living together or one or more elderly or disabled persons living with one or more live-in aides.
- d. A child who is verified as being “temporarily absent” from the home due to placement in foster care shall be considered when determining the family composition and family size.

2. Head of Household

The head of household is the adult member of the household who is designated by the family as head, and who is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease with an owner under State/Local laws.

Emancipated minors who qualify under State law may be recognized as head of household if there is additional evidence/documentation that they are capable of upholding all essential terms and conditions of occupancy.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an elderly household, provided that the person is at least partially responsible for paying the rent.

3. Applicable Definitions

For proper application of the rule governing *Restriction on Assistance to Non-citizens*¹, the definition of *spouse* is: the marriage partner who, in orders to dissolve the relationship, and

¹ Section 214 of the 1980 Housing and Community Development Amendments

would have to be divorced. It includes the partner in a common law marriage. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads.

4. A one-person household (i.e., *single person*) is considered to be an eligible family without restriction.

Spouse generally means the husband or wife of the head of household in a marriage recognized under California State Law.

Live-in aide means the person expected to reside with an elderly or disabled voucher holder which a physician has declared to be medically necessary for the care and well-being of the voucher-holder and who is not obligated to provide the support for this person and who would not be living in the (subsidized) unit except to provide the necessary care.

Co-head of household means the person(s) who are (a) living in a spousal relationship or (b) are related or unrelated adults with equal responsibility for program/lease compliance, such as may be the case with two adult sisters or two adult disabled persons wishing to live together.

PF-§1.02 Eligible Single Persons

All single persons are eligible to apply for and receive Section 8 subsidy if otherwise eligible during periods of time when the agency is accepting applications.

PF-§1.03 Income Limitations

At the time of issuance of the voucher to a family from the waiting list a family's gross annual income must not exceed the Low Income (i.e., 80% of area median income) limit. In addition, the family, when first admitted, must select a unit in an area in which the family meets the income limit for the housing choice voucher program.

For a family receiving assistance at the time of the portability move (i.e., “currently assisted family”), who elects to move with continued assistance under portability to the jurisdiction of another Section 8 program, they may be either very low or low income as a *continuously assisted family*.

PF-§1.04 Procedure for Projecting Unstable Income

Where a family member has sporadic, yet recurring income such as a business owner or temporary clerical work (i.e., "Kelley-Girl") the income will include projected income based upon current income and expenses:

1. Place family on a 90-day re-exam cycle;
2. Require family to bring income information for the most recent 60-day (eight-week

- period) preceding the date of certification;
3. Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 12-month period.
 4. Combine the income from this period with the income from the prior period to establish a new baseline weekly or monthly figure;
 5. Recalculate the TTP and determine need for additional interim re-exams.

PF-§1.05 Housing Agency Policy Governing Verification of Zero Income.

All income representations made by the family to the Housing Agency must be verified to ensure the accurate calculation of total tenant payment and housing assistance payment. When a family claims *zero* income the staff will use the following procedures:

1. Head or co-head of household must complete a *Family Economic-Sufficiency* Form. This form will inquire as to how the family is currently covering living expenses such as utilities, food, clothing, etc.
2. Review the family information to evaluate possible participation in programs such as TANF, unemployment, etc.
3. Pose questions to the family intended to probe for unreported income and to clarify any discrepancies.
4. Have the head or co-head complete the following verification forms, even if they represent they do not receive income from these sources:
 - Food Stamp verification form
 - TANF verification form
 - Unemployment benefits verification form
 - Credit bureau reporting verification form
 - Any other verification form that appears to fit the family's profile
 - Income Tax Return
 - IRS Request for Information

If the verification form reflects income from these sources the Section 8 staff will act on the information provided by the source. The Section 8 staff is also to meet with the family to discuss any discrepancies and to provide the family with the opportunity to explain the discrepancies, and to supply information, which controverts the information, received.

When the credit report reflects "more money going out than coming in" any recurring payments made to the family or on behalf of the family will be counted as "income" consistent with 24 CFR 5 as "regularly recurring cash contributing gifts".

If the family generally disputes the information provided by the third party the Section 8 staff is to seek further clarification by phone with the third party. The information provided by the third party is to prevail. The family will be offered the opportunity for an informal review of any decision reached based upon the third party information if the family feels that the Housing Agency's decision has an adverse effect. The decision of the hearing officer will prevail.

PF-§1.06 Social Security Reporting Requirements

Families are required to provide social security numbers for all family members age 6 and older, if they have been assigned a social security number (SSN), as a condition of initial and continued eligibility.

If a family member age six and older does not have a social security number the family:

- Must provide a certification that a SSN has not been assigned; and Family must agree to provide any social security numbers assigned after the date of the certification.
- For a minor age six to seventeen without a social security number the head of household or legal guardian will be required to complete the prescribed certification form.
- If an adult household member reports no social security number the adult must execute the required form.

If a non-elderly applicant or participant provides a social security number for which they state they cannot provide the appropriate verification the Housing Agency may grant a 60-day extension period in which to obtain and submit the required documentation.

For elderly families the Housing Agency may grant an extension of up to 120 days in which to provide the required documentation.

Failure of any family to supply the required documentation within the prescribed extension period will result in denial (applicant) or termination (participant) of assistance.

Verification of social security numbers reported by household members will be evidenced through submission of a valid social security card issued by the Social Security Administration or through an alternate form of documentation including, but not necessarily limited to:

- Benefit award letters
- Drivers license
- Employment identification card
- The Municipality of Hormigueros Housing Agency's state-issued identification card.

- Payroll stubs
- Bank statements
- Medical insurance identification card
- IRS form 1099 (or similar)
- Medical insurance/medical provider card.
- Military identification card

A person age 6+ proposed to join a family in occupancy must comply with provisions of this part.

PF-§1.07 Section 214 Declaration

Pursuant to Section 214 of the 1980 *Housing and Community Development Amendments*, all applicant and participant households must provide a declaration of citizenship or eligible immigration status. The Section 8 staff will provide this form with a letter of explanation to each household applying for assistance. If an applicant family member has ineligible status the family may not receive full subsidy. If any member of the family is a U.S. citizen or has eligible immigration status then the family may qualify for pro-rated/partial assistance. If there are no family members with citizen or eligible immigration status then the family will be determined ineligible for subsidy and denied issuance of a voucher. An ineligible family will be informed in writing of the denial and their right to request an informal hearing equal to the hearing granted for a participant family.

If there are no family members with citizen or eligible immigration status then the family will be determined ineligible for housing. An ineligible family will be informed in writing of the denial and their right to request an informal hearing.

1. In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to content their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.
 - a. Mixed Families. A family is eligible for assistance as long as at least one member is citizen or eligible immigrant. Families that include eligible and ineligible individuals are called a mixed family. Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.
 - b. No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.
 - c. Non-citizen students defined by HUD in the non-citizen regulations are not

eligible for assistance.

2. Section 214 verifications will be accomplished as follows:

- a. U.S. Citizens or Nationals. Persons claiming status as a U.S. citizen or U.S. national will provide a self-certification in the form prescribed by the agency.
- b. Eligible Immigrants. Staff will conduct primary verification of eligible immigrant status through the INS automated SAVE (*Systematic Verification for Entitlements*) system using the instructions provided at HUD Guidebook 7420.10 G (pg. 5-7).

Staff will not delay, deny, or terminate assistance to an applicant or currently assisted household if any one of the following circumstances applies:

- At least one person in the household has submitted appropriate INS documents;
- The documents were submitted to the INS on a timely basis, but the verification process has not been completed;
- The family member in question moves;
- The INS appeals process has not been completed
- Assistance is pro-rated;
- Deferral of termination of assistance is granted by the agency;
- For a program participant, the informal hearing process is not complete.

Assistance will be denied or terminated when:

- Declaration of citizenship or eligible immigration status is not submitted by the specified deadline or any extension;
- Required documentation is submitted but INS primary and secondary verification does not verify immigration status and family does not pursue INS or PHA appeal; or
- Required documentation is submitted but INS primary and secondary verification does not verify immigration status, and INS or PHA appeal is pursued but decision(s) are rendered against the family.

When the MAHA decides to deny or terminated assistance, a written notice, which includes the following, will be sent by first class mail:

- An explanation of why the financial assistance will be denied or terminated;

- Notification that the family may be eligible for prorated assistance if it is a *mixed family*;
- Procedures for requesting *temporary deferral or proration of assistance for currently assisted families*;
- Family's right to appeal the results of the secondary verification to the INS; and
- Family's right to request an informal hearing from the PHA in lieu of an INS appeal or after an appeal.

Where feasible, the agency will provide all required notices and instructions in a language that the Family understands if the family is not proficient in English. Care will be taken to ensure that the implementations of the 214 requirements are accomplished consistent with Section 504 and Fair Housing requirements.

PF-§1.08 Other Criteria For Admission

1. Applicant must have paid in full any outstanding debt owed to any PHA for public housing, Section 8 voucher or for any previous tenancy under the 1937 Housing Act and/or any other federally assisted housing program.
2. Applicant must have left any previous tenancy under the Section 8 program without being in violation of a family obligation under its Housing Voucher, (unless there was good cause) within the five-year period preceding the date of application for assistance.
3. No family member has committed:
 - Fraud
 - Bribery; or
 - Any other corrupt or criminal act in connection with any federally assisted housing program in the five-year period preceding the date of application for assistance.
4. Family has not breached a pre-existing agreement to repay the Housing Agency for monies owed as a prior program participant. If there are any monies due and owing the Housing Agency the family must make full payment of the debt prior to being issued a voucher. Failure to do so is grounds for denial of assistance.
5. No family member to occupy the assisted unit is an employee the Housing Agency or governing body that makes policies or decisions relating to the operation of the Section 8 program unless HUD has granted a written waiver.

There is no minimum income requirement for participation in the Section 8 rental assistance programs.

5. Record of Family

A file folder shall be established for each applicant and participant family and shall contain the original application and all data collected to verify and document the family's status. For each participant family the Housing Agency will maintain as part of the family record the family's application, applicable verifications, a copy of the executed lease and the HAP contract, as well as correspondence between the family and Housing Agency. The Housing Agency shall retain all applicant/tenant certifications and relevant documentation as set forth in 24 CFR 982, as amended.

6. Misrepresentation of Family Circumstances

If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the Housing Agency may deny and/or terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition.

7. Determination of Ineligibility

If an applicant is determined to be ineligible for Section 8 rental assistance, the Housing Agency shall promptly state the reasons for its determination to the applicant in writing. The letter shall also state that the applicant may request an informal discussion and explain how to request the informal discussion.

8. Suspension of Voucher Issuance

If there is insufficient funding to assist the family at the top of the waiting list, the Housing Agency will not issue any form of assistance to any other family on the waiting list until there is sufficient funds to assist the family at the top of the waiting list.

However, if HUD awards the Housing Agency funds for a specified category of families on the waiting list, the Housing Agency must select families in that category, even if they are not at the top of the waiting list for one year. All such selections will be made as a Special Admission and so noted in the tenant and waiting list records.

PF-§1.09 Family Suitability

It is not the intent of the federal government or the local government to provide subsidy for a family with a member who have a history of drug related, violent criminal activity, nor alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of others.

If the family member involved in the illegal drug activity or violent criminal activity will not occupy the assisted unit, or can demonstrate that he/she is recovering or has recovered from such addiction and does not currently use or possess a controlled substance, the Housing Agency may approve the family for program participation.

The Housing Agency will not screen for factors that relate to suitability of the applicant family as "tenants".

Section 8 staff is prohibited from considering *suitability factors*, such as those described below, when determining family eligibility for Section 8 rental assistance:

1. Prior rent paying history;
2. Outstanding debts owed to previous owners (unless there was an owner's claim which was paid by the Housing Agency on behalf of the family, thus creating a financial obligation to the Housing Agency); or
3. History of damage to rental properties, etc.

The above forms of screening and evaluating an applicant for tenancy are the responsibility of the landlord and not the Housing Agency.

Owners are advised both orally and in writing of their obligation to perform normal, routine screening of applicants they propose to house.

The Housing Agency will continually urge owners to conduct such thorough screening on a uniform, consistent and non-discriminatory basis as part of the owner's routine tenant selection process.

The Housing Agency will provide the following information to prospective landlords to the extent such information is a part of the applicant/tenant file and does not violate the privacy act.

- Current address
- Current landlord information
- Prior landlord information
- Outstanding claims for unpaid rent or damages owing the program

PF-§1.10 Grounds For Denial of Admission and Notice to Family

If the applicant household does not meet the factors of eligibility stated in this section the Housing Agency will make a determination of ineligibility. Any family determined to be ineligible for assistance will be notified in writing within five (5) working days of the decision.

PF-§1.11 Informal Review Procedure For Applicants

Applicants will be provided an opportunity for informal review of decisions that deny the applicant placement on the Waiting List, issuance of a Section 8 voucher or participation in the Section 8 program.

1. The written notice of ineligibility will state the reason for the determination and advise the family of its right to request an informal review of the decision within fourteen (14) calendar days of the date of the Housing Agency's notice of ineligibility.
2. Applicant will be given the opportunity for informal review in accordance with these procedures:
 - If such a review is requested the informal review will be conducted within ten (10) calendar days of receiving the families written request.
 - Review shall be conducted by any employee, other than a person who made or approved the decision under review or a subordinate of that person.
 - Applicant shall be given an opportunity to present oral or written objections to the Housing Agency decision.
 - Applicant has the right to legal counsel or other representation at his/her expense.
 - The hearing officer will notify the applicant in writing of the final decision within five (5) working days after the informal review. This notice shall include a brief statement of the reasons for the final decision.

G. DETERMINATION OF FAMILY INCOME AND FACTORS OF ELIGIBILITY

1. Application for Admission

The Housing Agency shall determine eligibility for Section 8 rental assistance in accordance with criteria established by HUD and the Municipality of Hormigueros Housing Agency. In so doing, the Housing Agency shall require every applicant to complete and sign an application prescribed by the Housing Agency, as well as applicable verification consent forms.

2. Determination of Annual Income

Family income for purposes of determining income eligibility and tenant rent and subsidy shall be computed in accordance with HUD specified sources and amounts of income to be included or excluded as stated at 24 CFR §5 Subpart F.

Additionally, the Municipality of Hormigueros Housing Agency shall exclude certain amounts of earned income under designated and qualified local training programs related to Welfare Reform as specified in HUD Notice 98-2, and consistent with 24 CFR§5.609.

3. Verification of Factors of Initial Eligibility and Tenant Rent

To document program eligibility, preference rating, dwelling size and rent to be paid, the information submitted on the application for admission shall be independently verified. Program verification used shall be valid for a period of 60 days prior to admission. Program verifications used for annual re-exams shall be valid for a period of 120 days prior to the effective date of re-examination of family circumstances.

The Housing Agency will follow the verification methods prescribed in HUD PIH- Notice 92-45 and PIH Notice 2001-15.

When third party verification source cannot or will not provide the required information within four weeks this will be noted in the applicant or tenant file and the Housing Agency will document the alternative method used.

The Housing Agency may review original documents provided by the family and use this as the basis for a provisional determination that will remain subject to third party verification.

If third party verification is received after the provisional determination of initial/continued eligibility or tenant rent has been made the Housing Agency will use the third party independent verification to make a retroactive determination. A family's rent may be increased or decreased retroactively.

If there is a determination that a family was not initially eligible for program participation the family will be terminated on 30 day written notice to the family and owner. Any ineligible family will be required to make full repayment of subsidy received to which the family was not entitled.

4. Verification of Annual Income

Anticipated income is a prime determinant of an applicant's eligibility for participation and their level of rental assistance. An Annual income means income from all sources received by the family head and spouse (even if temporarily absent), and by each additional member of the family, including all net income to be derived from assets for the upcoming 12-month period.

Annual income will be determined based on appropriate third party verification. Initial income eligibility is established by comparing annual income to the HUD-prescribed maximum income limit.

There is no minimum income requirement for participation in the Section 8 rental assistance programs.

5. Record of Family

A file folder shall be established for each applicant and participant family and shall contain the original application and all data collected to verify and document the family's status. For each participant family the Housing Agency will maintain as part of the family record the family's application, applicable verifications, a copy of the executed lease and the HAP contract, as well as correspondence between the family and Housing Agency. The Housing Agency shall retain all applicant/tenant certifications and relevant documentation as set forth in 24 CFR 982, as amended.

6. Misrepresentation of Family Circumstances

If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the Housing Agency may deny and/or terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition.

7. Determination of Ineligibility

If an applicant is determined to be ineligible for Section 8 rental assistance, the Housing Agency shall promptly state the reasons for its determination to the applicant in writing. The letter shall also state that the applicant may request an informal discussion and explain how to request the informal discussion.

8. Suspension of Voucher Issuance

If there is insufficient funding to assist the family at the top of the waiting list, the Housing Agency will not issue any form of assistance to any other family on the waiting list until there is sufficient funds to assist the family at the top of the waiting list.

However, if HUD awards the Housing Agency funds for a specified category of families on the waiting list, the Housing Agency must select families in that category, even if they are not at the top of the waiting list for one year. All such selections will be made as a Special Admission and so noted in the tenant and waiting list records.

9. Removal from the Tenant-Based Assistance Waiting List

The Housing Agency will remove a family's name from the Section 8 TBA waiting list if the family is determined ineligible in accordance with criteria prescribed by HUD or Housing Agency policy. The Housing Agency may also remove a family's name from its waiting list for family's failure to provide the Housing Agency with a new mailing address and/or any correspondence is returned with no forwarding address or family fails to participate in 2+ scheduled appointment(s) without good cause. The Housing Agency may also remove a family's name from the waiting list based upon a family's written request.

PG-§1.00 Policy and Procedures for Verifying Factors of Eligibility

Verification of income and asset information is required to determine eligibility for admission and continued assistance. All of the family's written representations that affect the family's eligibility or rent must be verified by the Housing Agency's Section 8 Admissions staff.

Written inquiries will include:

- Statement of the purpose for requesting family data; and
- Statement signed by the applicant to permit the source to release information/family data.

When an applicant or tenant reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received, (i.e., Temporary Assistance for Needy Families (TANF), welfare, unemployment compensation, child support, etc.) the absence of such income will be verified.

Family may be required to sign verification consent forms for:

- Temporary Assistance for Needy Families (TANF)
- Food Stamps
- Unemployment Compensation
- State Wage Information Collection Housing Agency
- Credit Reports

For an initial determination of eligibility all required verifications must be current (i.e., issued within the 60 day period preceding the date of interview).

Tenant files will contain documentation of all required verifications.

1. Applicants/tenants must cooperate with Section 8 staff and comply with the Housing Agency's certification/verification process by providing enough information to allow the Section 8 office to obtain verification from a third party of all statements regarding

eligibility and rent. Family composition is generally treated as a self-certification. The signature of the head and/or co-head of household on the application for housing assistance will normally be considered sufficient verification for family composition. However, the Housing Agency may require proof of family composition consistent with the Housing Agency's definition of *family*.

2. All income, assets and each applicable deduction will be verified at the time of admission and at each subsequent re-examination. Income will be verified by third party verification. If third party written verification is not possible Section 8 staff shall attempt to receive third party oral verification by calling the source or participating in a meeting with the source. Whenever third party oral verification is utilized the Eligibility Specialist/Housing Representative (OS) who received the information will be required to document the date of the phone contact, the name of the person they spoke with, information received and sign their name. Additionally, the Eligibility Specialist/Housing Representative will complete the Housing Agency's third party oral verification form. This form will identify with whom they spoke, the date, and other critical information. If neither third party written or oral verification is possible this will be noted in the file and Section 8 staff shall undertake a review of documentation provided by the family. Eligibility Specialists/Housing Representatives are to review documents provided by the family for: *date, authenticity, and completeness*. If documents appear to be altered they should not be considered and alternative documentation should be requested.

The following statements will also be verified and documented in the tenant file:

- a. Age of family members when the sole factor determining factor of eligibility is age or to support deductions claimed for minors or elderly household status;
- b. Displacement, handicap, disability, veteran or serviceman status when they are a factor in determining eligibility for certain deductions or preferences;
- c. Full-time student status.

PG-§1.00.a Policy and Procedures for Third Party Verifications

The verification process during the time of application, interim reexamination and annual Re-examination is a critical task in the administration of the Department of Housing and Urban Development (HUD) assisted housing programs. This task requires Public Housing Agencies (PHA's) to verify factors that affect the determination of an applicant's/participant's adjusted income. The verification process also requires the applicant/participant to provide and disclose information that is true and complete, which is necessary in the administration of HUD's assisted housing programs. The Housing Agency of the Municipality of Hormigueros is committed to insure that all applicants and participants information if verified for accuracy

and completeness.

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

- *Reported family annual income;*
- *The value of assets;*
- *Expenses related to deductions from annual income; and*
- *Other factors that affect the determination of adjusted income or income-based rent.”*

The Department has defined third party verification based on verification requirements established by the Inspector General’s Office, prior HUD notices and guidebooks. References: PIH Notice 2001-15: Improving Income Integrity in Public and Assisted Housing Choice Voucher Program Guidebook (Section 12-4) issued April 2001 The Tenant Integrity Program Training Guide issued by the Office of the Inspector General (Page 51) issued October 1989.

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

The tenant shall not hand carry documents to or from the independent source. The Agency will mail, fax, or e- mail the verification request form to the independent source. In the event that the independent source does not respond to the Agency’s, faxed, mailed, or emailed request for information, the Agency will secure and document oral third party verification.

The agency will ensure that they use appropriate consent forms to obtain specific information. The HUD Form 9886 authorizes HUD and the PHA to obtain third party verification of the following:

- *Any income information or materials from State Wage Information Collection Agencies (SWICA).*
- *Income information obtained from previous and current employers. The HUD Form 9886 authorizes HUD only, to obtain third party verification of the following:*
- *Income information from the SSA.*
- *Incomes return information from the IRS.*

The HUD Form 9886 may not be used to obtain any other information

Verification Guidance

The Agency will make every effort to secure HUD Systems Available for Upfront Income Verification.

The Agency will use HUD's Tenant Assessment Sub-System (TASS) and centralized UIV System as acceptable methods for verifying family income.

Note: The Agency will insure to have a valid HUD Form 9886 signed by all household members who are 18 years of age or older in the tenant file.

The Agency will make use of the Third Party Verification to Supplement Upfront Income Verification.

Written Third Party Verification: *Independent verification of income and/or expenses will be secured by contacting the individual income/expense source(s) supplied by the family. The verification documents must be supplied directly to the independent source by the PHA and be returned directly to the Agency from the independent source.*

Oral Third Party Verification: *Independent verification of income and/or expenses will be secured and documented by contacting the individual income/expense source(s) supplied by the family, via telephone or in-person visit. Agency staff will document in the tenant file, the date and time of the telephone call, the name of the person contacted and telephone number, along with the confirmed verified information. This verification method will be the last resource used in the event that the independent source does not respond to the Agency's faxed, mailed, or e-mailed request for information in ten (10) business days.*

Document Review: *The Agency will review original documents provided by the tenant in support of their declaration of income during the income reexamination. This verification method will only be used as the sole source of income verification when all other sources of third party verification cannot be obtained. When the Agency has to resort to reviewing tenant-provided documents, the Agency will document in the tenant file why third party verification was not available.*

Part HH of this plan provides further guidance on the verification method that the Agency will utilize to insure full compliance and adherence with this policy and with HUD's requirements.

The Housing Agency of the Municipality of Hormigueros will use the following verification methods in the order listed below:

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

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

If upfront verification is not available then the Agency will obtain required written third party verification. Verification forms are to be mailed, faxed or e- mailed directly to the independent source. In the event that the independent source fails to respond to written verification requests, the Agency will then contact the independent source by telephone or an in a personal visit to obtain the verification. Upon receipt of the information, the Agency must document in the family file, the date and time the information was received along with the name of the person and title that provided the information.

EXCEPTIONS TO THIRD PARTY VERIFICATION REQUIREMENTS:

The Housing Agency of the Municipality of Hormigueros is aware that in some situations, third party verification is not available for a variety of reasons. Oftentimes, the Agency may have to make numerous attempts to obtain the required verifications with no luck, or the income source may not honor written or oral requests for income information, or the asset or expenses to be verified is an insignificant amount, or it may not be cost effective to obtain third party verification of assets and expenses, when the impact on total tenant payment is minimal (See summary of example exceptions to third party verification in Part HH). In these cases, it is acceptable for Agency to review original documents provided by the tenant. However, the Agency is required to document in the family file the reason(s) why third party verification was not available. The Agency will maintain a photocopy of the original document in the family file.

PG-§1.01 Verification of Handicap/Disability Status

To ensure compliance with the non-discrimination provisions of the *Fair Housing Amendments Act of 1988* and *Section 504 of the Rehabilitation Act of 1973*, the Housing Agency will implement the following procedures when verifying a family's representation that the head or co-head/spouse is handicapped or disabled for 12 months or more.

1. Such verification will only occur when the head/co-head has indicated in writing that a family member is handicapped or disabled and the family feels that such status entitles them to special deductions and/or special assistance in locating suitable units or preference in tenant selection.
2. Person(s) who receives Supplemental Security Income Disability Payments (SSI) or Social Security Disability (SSD) benefits will be determined handicapped/disabled and no further verification will be required.
3. No family/family member will be required to neither attest to nor establish their ability to live independently as a condition of initial or continued eligibility for assistance.

4. If the individual with a disability has been recently de-institutionalized or states they are otherwise disabled, but is not receiving SSI/SSD, verification from a trained professional (i.e., doctor, therapist,) that the named person meets HUD's definition of handicap or disability will be adequate verification. Section 8 staff will provide the third party with a certification form containing the HUD definition.

PG-§1.02 Use of the HUD Form 9886.

The HUD Form 9886, *Authorization for the Release of Information/Privacy Act Notice*, must be executed by all adult household members (and spouse regardless of age) age 18 and older. This form must be completed for each initial certification and annual re-certification. If the family undergoes an interim re-exam and there is a family member who has since the last certification attained age 18, this household member will be required to complete the Form 9886 as part of the interim re-examination.

Eligibility Specialist /Housing Representative will review with the applicants/participants the Authorization for the Release of Information/Privacy Act Notice, to explain (a) how the information provided by the participant will be used by HUD; (b) HUD's restriction on disclosure of the information; and (c) that other information requested by the Public Housing Agency are HUD eligibility requirements.

Note: The Consent form expires 15 months after date signed.

Individual verification forms will continue to be used to collect the specific information to be verified, such as the employment verification form which requests information specific to rate and frequency of pay, as well as potential for overtime, tips, fees, and bonuses.

When the Housing Agency has reason to believe that a family's circumstances have changed, or are different from the representations made on the most recent certification the Housing Agency will send the form 9886 to any/all sources designated on the form.

H. ELIGIBLE FAMILIES

1. Voucher

If an applicant is determined to be eligible and sufficient funding is available, such applicant shall be issued a *Housing Choice Voucher* signed by a duly authorized representative of the Housing Agency.

2. Declared Emergencies

In the event of an emergency declared by resolution of the Municipality of Hormigueros Housing Agency Board of Directors, the waiting list for Section 8 Housing Choice Vouchers may be bypassed. Under such circumstances, vouchers may be provided to current residents of public housing (or other forms of assisted housing owned by the Municipality of Hormigueros Housing Agency) to families who meet the qualifications for participation in the Section 8 Housing Choice Voucher program. This housing assistance shall be provided solely for the purpose of relocating such families residing in the housing units specified in the Emergency Declaration to other housing units that meet all Section 8 program requirements.

In the event no suitable relocation units exist within the Municipality of Hormigueros Housing Agency inventory, Section 8 Vouchers shall be used if the family otherwise qualifies for this form of assistance.

3. Preference in Selection of Eligible Families

In selecting eligible families for participation in the Housing Choice Voucher Program, the Housing Agency shall apply the following order of preference. Eligible families qualifying for any one of the following preferences shall be selected in the order of the date and time of their application:

- Involuntarily Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition).
- Victims of Domestic Violence.
- Working Families and/or those unable to work because of age or disability.

4. Exception(s) To the Granting of Local Preferences in Tenant Selection

An applicant will not be granted any local preference if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related criminal activity.

The Municipality of Hormigueros Housing Agency will grant an exception to such a family only if:

- The responsible member has successfully completed a rehabilitation program.
- The evicted person was not involved in the drug related activity that occasioned the eviction.

5. Notice of Denial of a Preference

If the Housing Agency determines that an applicant does not meet the criteria for a local preference claimed, the Housing Agency should promptly notify the applicant in writing. The notice shall state the reasons for the denial and that the applicant has a right to request an informal review with the Housing Agency's staff.

The Housing Agency will not deny a family's claimed preference, nor remove a family from the waiting list solely because the applicant family has applied for, received, or refused other forms of housing assistance.

PH-§1.00 Issuance of Housing Choice Vouchers

1. Tenant Selection

The Housing Agency will issue housing choice vouchers pursuant to HUD'S final rule, effective October 1, 1999. An available housing choice voucher will be issued to eligible applicants as the family reaches the top of the waiting list (and in accordance with applicable preferences and date/time of application). The owner decides whether a voucher-holder is suitable for tenancy based upon the outcome of the owner's routine screening.

The Housing Agency, in deciding whether to admit the applicant/family, will not discriminate on the basis of age, race, color, religion, sex, national origin, disability, whether the family has children, whether family members are unwed parents, recipients of public assistance, or children born out of wedlock. The Housing Agency cannot adopt a preference in tenant selection for higher income families over lower income families. [24 CFR §982.202 (b)]

2. Family Briefing

When a family initially receives a Voucher, a full explanation of the Section 8 program requirements shall be provided as part of the family's briefing as outlined in 24 CFR 982.301, as amended, for Voucher holders.

3. Expiration and Extension of Voucher

The term of the Voucher shall be as outlined in 24 CFR 982.303, as amended. The initial term of

the voucher is 60 days. As a *reasonable* accommodation for a family where the head or spouse is disabled, the Housing Agency will **initially** grant a family the full 120-day term, as an added reasonable accommodation. A disabled family may hold such form of assistance for more than 120 days term as a *reasonable accommodation* where supported by documentation that the family's inability to secure approved housing within the 120 day term was directly related to a family member's disability.

If a family submits a Request for Tenancy Approval (RFTA) prior to the expiration date and the RFTA is subsequently disapproved, the Voucher may be extended upon written request of the family for a period equivalent to the number of days between the submission of the RFTA and the date of disapproval of the RFTA.

A family may submit a written request for an extension of time to search for suitable housing. The written request must be received before the expiration date on the voucher. The Housing Agency will evaluate each request and determine the likelihood of the family finding housing with additional time to search. An approved extension will be granted for a 30 day period of time with proof of effort to timely secure an approved form of housing. Only in extenuating circumstances, such as hospitalization or jury sequestration, will a second extension of 30 days be granted.

4. Family Break-Up- Eligibility in Event of *Family Dissolution*

If either an applicant's or participant's family experiences a break or division of its original household composition the Housing Agency shall commit the housing assistance to the adult applicant, and who was either head or co-head of household, and who retains custody of any minor children. If there are no minor children involved the housing assistance shall be committed to the person who signed the application for initial or continued assistance. If more than one person signed the application, and there are no minor children involved, the Housing Agency shall require the adults to decide who shall receive the housing assistance. If the adults cannot decide within the time frame prescribed, then the Housing Agency shall terminate the application for initial or continued assistance and each party must make new application for assistance.

In the event the parties elect to resolve the dispute in a court of law, then the Housing Agency shall stay any administrative decision and comply with the terms of the court decision.

5. Family Absence From the Unit

Family may be absent from the assisted unit for up to 30 consecutive days without written notice to the Housing Agency. If the family expects to be absent in excess of 30 consecutive days the family must advise the Housing Agency in writing of the anticipated term of absence and the reason. The Housing Agency may allow the family to be absent from the unit for up to 90 consecutive days with continued assistance on good cause shown. If there is no family member

remaining in the unit after 90 consecutive days the Housing Agency will commence the process of terminating housing assistance payments to the owner upon written notice to family and owner. Should the Housing Agency become aware of a family's extended absence from the assisted unit and the family has not received written approval of the Housing Agency the housing assistance may be terminated sooner than 90 days upon written notice to family and owner. A waiver to this part can be granted at the discretion of the Housing Agency's Manager for periods exceeding 90 days but for no more than 180 days. [24 CFR §982.312]

I. SUBSIDY STANDARDS [24 CFR §982.402]

In issuing the choice voucher to an eligible family, the Housing Agency shall determine the number of bedrooms to be placed on the housing choice voucher for families of different size and composition. These standards are developed for the purpose of determining the voucher size that will best meet the family's needs at the lowest cost to the government.

1. In establishing the subsidy standards the Housing Agency shall:
 - Consider the smallest number of bedrooms needed to house the family without overcrowding;
 - Assign a subsidy standard that does not require more than two persons to occupy the same bedroom;
 - Include every member of the family, regardless of age, including a child who is temporarily absent due to placement in foster care;
 - Consider a single pregnant woman with no other family members as a two-person family;
 - Consider an approved live-in aide for a qualified family;
 - Not assign a subsidy standard that requires parent(s) to share a bedroom with a children(s);
 - Not require children of the opposite sex to share a bedroom as long as one child is age six (6) or older.

In determining the appropriate unit size for a particular family, the Housing Agency may grant an exception to its established standards where justified by the age, sex, health, handicap, or relationship of family members or by other personal circumstances.

A family may lease an otherwise acceptable unit with more bedrooms than the subsidy standard stated on the voucher, though the payment standard (for the voucher program) cannot exceed the payment standard for the designated family unit (subsidy standard) size.

The family may also lease a unit with fewer bedrooms than the subsidy standard size stated on

the housing voucher, as long as the smaller unit meets the applicable HQS space requirements at 24 CFR §982.402[d]. However, the calculation of housing subsidy will be based on the actual unit size selected as will the allowance for any tenant-paid utilities.

The living room of a unit may be used as a sleeping room if it meets the HQS standards for a sleeping room. However, the living room cannot be counted as a bedroom for purposes of determining the *applicable payment standard* for the family.

PI-§1.00 Subsidy Standards for Issuing Vouchers

The Housing Agency will use its subsidy standards to determine the voucher that appears to best meet the family's need for housing while maximizing the use of the space and minimizing the cost to the government. The adopted standards will be consistent with the HQS space standards that are intended to avoid overcrowding. The family, at its option, may select a unit with fewer bedrooms than stated on the vouchers if it does not require more than two persons per sleeping room. This usually results in a lesser payment standard and reduced subsidy.

The Housing Representative is to issue the voucher in the size consistent with the Housing Agency's most recently adopted subsidy standards. Should this result in a unit of five (5) or more bedrooms the Housing Representative shall use the formula in the *Federal Register* for establishing the applicable FMR and Payment Standard.

PI-§1.01 Fair Housing Impact.

The Fair Housing Amendments Act of 1988 extended protections against discrimination in housing to two additional classes of persons:

- Persons with a disability; and
- Families with children.

The family can select a unit equal in size to the voucher size, or larger or smaller than the voucher size, but consistent with the HQS space standard restrictions (i.e., no more than 2 persons per sleeping room including the use of the living room as a sleeping room).

It is the intent of this Housing Agency to administer all aspects of its program administration and personnel management system in a non-discriminatory fashion.

PI-§1.02 Factors to be Considered

ALL household members and *persons expected to reside* are to be included when establishing the voucher size that will best meet the family's needs.

A temporarily absent family member will be counted for subsidy purposes. A temporarily *absent family member* means a member of the household who is expected to reside in the assisted dwelling unit during the upcoming 12-month period but who will be absent from the unit for some portion of this 12-month period.

1. Children away at school who are listed as family members will:
 - a. Also be included when determining the applicable family subsidy standard; and
 - b. Any other family members who are temporarily absent.
2. A single person household may be assigned a zero bedroom voucher.

PI-§1.03 Section 8 Unit Assignment v. Actual Unit Size Selected.

The Housing Representative establishes the voucher size (i.e., *family unit size*) based upon a review of the family's household composition.

The family may select a unit, which differs from the voucher size, and the Housing Representative under the following guidelines will approve this:

- Generally, unit size selected would not result in more than two persons per sleeping room under the voucher program (including the living room).
- For a voucher-holder the Payment Standard used to establish subsidy would be based on the lesser of the voucher size or the actual unit size selected by the family.
- When a family must pay some or all of their own utilities directly to the utility supplier the utility allowance to be used will always be based on actual unit size selected by the family.

PI-§1.04 Exceptions to the Established Subsidy Standards Prior to Family HAP Being Made (i.e. Applicant Status)

A family may request an exception to the established subsidy standards for the following reasons and with appropriate documentation.

- Medical reasons;
- Additional household members due to birth, adoption, court-awarded custody, marriage; and
- Addition of a live-in aide.

Any request for an exception must be made in writing with the appropriate supporting documentation.

PI-§1.05 Live-In Aide Policy

An elderly, handicapped, or disabled person may have a care-attendant/live-in aide occupy the unit when this care is:

- Essential to the care and well-being of the voucher holder; and
- The care-giver is not obligated to provide financial support for the elderly, handicapped or disabled person; and
- The care provider would not occupy the unit except for the express purpose of providing necessary supportive services.

The Housing Agency requires verification from a source qualified to make the following determinations:

- The care provided is medically necessary;
- Description of the medical and/or necessary supportive services to be provided
- Estimate of the period of time such care will be required.

Persons qualified to provide the required third party verification include, but are not necessarily limited to:

- Medical doctors
- Psychologists/psychiatrists
- Chiropractors
- Osteopaths
- Psychiatric Social Worker

There is no prohibition against a related family member acting in the capacity of a live-in aide. The relative must meet the same criteria and the same third party verification is required. When a relative is the "live-in aide" they will not be listed as a "family" member and any income of a live-in aide will not be counted as income to the household for purposes of determining eligibility or rent. There will be no "deductions" for a live-in aide and the live-in aide does not retain any right to occupancy as the remaining member of a tenant's family when the voucher-holder vacates the unit/program.

If the live-in aide has other family members they wish to occupy the unit, the Housing Agency shall grant such approval if the addition of the live-in aide's family members does not result in a larger voucher size (i.e., increased subsidy) and the occupancy by the voucher-holder with the live-in aide and live-in aide's family members will not result in overcrowding, (i.e., more than 2

persons per sleeping room).

The live-in aide is subject to screening and approval by both the agency and the owner.

The live-in aide may hold outside employment or attend school if there is evidence that appropriate alternative care will be provided to the elderly, handicapped or disabled person during these periods of time.

The landlord has the right to require the live-in aide to execute a lease rider agreeing to abide by the terms and conditions of occupancy set forth in the lease agreement.

If the live-in aide violates provisions of the lease rider the owner may take action against the live-in aide separate from action against the assisted family.

If the live-in aide or their family members participate in drug-related activities, either the Housing Agency or the owner may rescind the aide's right to occupy the unit.

When the Housing Agency takes such action against the live-in aide the aide is not entitled to the informal hearing process of the Housing Agency.

PI-§1.06 Exceptions to the Established Subsidy Standards After Subsidy Payments (HAP) Have Begun (i.e., Participant Status)

The Housing Representative will review the family's composition as part of the annual re-exam.

1. If there are/will be changes in the household size the voucher size will automatically be adjusted based upon the established subsidy standards and the current/projected family composition.
2. The participant/family may request a different voucher size between regularly scheduled re-exams due to changes in the family size that would result in more than two persons per sleeping room.

All such additions to the family composition must first be approved/documentated by the Section 8 Office before there is consideration of the voucher unit size change due to reasons such as:

- Adoption
- Births
- Court awarded custody
- Foster child care
- Need for a live-in aide

- Disability of a current household member
- Adult children/other family members wishing to join a family already in occupancy

J. FINDERS'- KEEPERS POLICY

Upon receipt of a Housing Choice Voucher, the family shall be responsible for finding a unit of appropriate size that meets the HQS prior to expiration of the Voucher. The family may select the unit that it currently occupies if the unit meets the HQS and is determined to be *rent reasonable* and the owner is willing to execute new leasing documents under the Section 8 program. The Housing Agency may provide assistance in finding units for those families who, because of age, handicap, or other reasons are unable to find a unit and may provide assistance in cases where the family alleges that discrimination is preventing it from finding a unit. Any such assistance shall be in accordance with the Housing Agency's *Administrative Plan and Procedures* and shall not directly or indirectly reduce the family's opportunity to choose among available units. Section 8 housing choice voucher assistance may not be utilized for dwelling units receiving Section 8 project-based assistance as this constitutes *duplicative assistance*.

K. PORTABILITY [24 CFR '982.354]

The provisions for portability of vouchers shall be as outlined in 24 CFR §982.354, as amended. If neither the head nor spouse resides in Hormigueros at the time of application they must initially lease a unit in Berkeley before they can exercise their right of portability. The Housing Agency limits family moves to not more than one in any twelve-month period under portability.

The Housing Agency will deny permission for a family to exercise portability as cited in 24 CFR 982.314(e)(1), in the event that the Hormigueros Housing Agency does not have sufficient funds to pay a higher subsidy in another jurisdiction and the receiving LHA will not absorb the family into their program.

PK-§1.00 Portability of Housing Choice Vouchers

For any family wishing to exercise *portability* an individual briefing session will be scheduled.

Vouchers are portable as the result of various statutory and regulatory provisions. Participating families will be advised during both the initial and annual reexam briefing sessions of the portability provisions.

The Municipality of Hormigueros Housing Agency will provide a list of neighboring PHA's with the name, address and telephone number of a portability contact person at each.

Housing Choice Vouchers allow the holder to move to the jurisdiction of any public Housing Agency administering the Section 8 voucher program.

A Housing Representative will provide families wishing to exercise their option of portability with an updated *portability-move* packet. The Housing Representative must establish the family's income eligibility under the receiving PHA's income limits for those families with first time assistance at time of portability, and must forward the most recent form 50058 and related verification forms to the receiving PHA. The family currently receiving subsidy at the time of portability is not required to be income-eligible.

The required HUD form (Form HUD 52665) for recording portability activity will be completed by the Housing Representative and explained to the client family, as appropriate. The Section 8 program manager will be the first point of contact for each *incoming portable* client.

A family who owes money to the Housing Agency will be required to either repay in full or be current under any existing repayment agreement as a condition of eligibility to move with continued rental assistance under portability. A voucher holder must be in full compliance with the family obligations to be eligible for a portability move.

In-coming portable participants currently enrolled in another PHA's FSS program will be automatically enrolled in the Housing Agency's FSS program if slots are available. If not they will be placed on FSS waiting list.

L. FAMILY'S RIGHT TO MOVE [24 CFR §982.314]

Without regard to portability, an assisted family may move to a new unit if:

- The assisted lease for the old unit has terminated;
- The owner has given the tenant a notice to vacate or has commenced an eviction action, or has obtained a court judgment or other process allowing the owner to evict the family; or
- The family has given notice to the owner and the Housing Agency of their intent to terminate the lease.

In order to move with continued assistance, the family must initially occupy an assisted unit for 12 months before terminating the lease with the owner unless there is (a) good cause. *Good cause* may include, but is not necessarily limited to owner's failure to provide services under the lease, or (b) mutual agreement by the owner and tenant to terminate the lease.

A family may move one or more times with continued assistance, either within the jurisdiction of the Housing Agency or to the jurisdiction of another PHA, notwithstanding the limitation of moving only once in a 12 month period under portability.

A family who owes money to the Housing Agency will be required to either repay in full or be current under any existing repayment agreement as a condition of eligibility to move with continued rental assistance under portability.

M. OWNER OBLIGATION TO SCREEN FAMILIES [24 CFR §982.307]

An owner generally has no obligation to participate in the Section 8 housing choice voucher program and can refuse to accept a voucher holder, even if this means an otherwise acceptable family is unable to lease the unit.

Owners are responsible for screening families selected by the Housing Agency for admission to the program to determine whether they will be suitable tenants. **While the Housing Agency may elect to implement some limited form of *tenant suitability screening* this does not remove the owner of duty for performing tenant screening in a manner equal to the screening performed for unassisted tenants.**

An owner may consider such factors as:

1. The family's history of payment of rent and utility bills;
2. Caring for a dwelling unit;
3. Respecting- the rights of others;
4. Family history of drug-related criminal activity or other criminal activity which threatens the life, safety, or property of others.

The Housing Agency will give the owner the Voucher-holder's current address and, if known, the name and address of the landlord at the family's current and prior address. The Housing Agency will also provide a prospective landlord with any of the following information which is a part of the applicant's/participant's file: record of prior eviction from a unit receiving Section 8 assistance through this Housing Agency; and/or record of family creating excessive damages to a rental unit. [24 CFR§982.307]

N. RENTAL AGREEMENT/ LEASE APPROVAL [24 CFR §982.308]

The Housing Agency must approve the owner's form of lease for the rental unit. The Housing Agency may not give such approval until it determines that the unit is eligible and meets the HQS; that the lease is approvable; the rent to the owner is *reasonable*; and the owner has not been deemed ineligible by HUD or the agency to participate in any HUD-funded housing program.

The Municipality of Hormigueros Housing Agency will establish and maintain records that include comparable data on unassisted units in the market. This data will be used by Section 8 staff in making their determination of the reasonableness of the owner's proposed rent. The Housing Representative(s) will use the methodology described in Exhibit #2 of this Plan.

All assisted leases must include certain language required by HUD. The language must prohibit certain types of lease provisions involving concessions by the tenant, and include by reference all other lease covenants prescribed by law for the Section 8 housing choice voucher program. The Housing Agency may also decline to approve the owner's lease if the owner fails to execute the required HUD Lease Addendum (Form HUD 52641-A), or if the owner's lease does not comply with major provisions of any applicable state or local landlord tenant laws. [24 CFR §982.308]

PN-§1.00 Housing Representative's Role in Leasing

The Housing Representative is to ensure that all activities and required forms for establishing the assisted tenancy are properly and timely executed. This includes the review and approval of forms provided by the Housing Agency and/or the owner.

PN-§1.01 Review of Owner's Form of Lease

The Housing Representative is to review the owner's form of lease against the *prohibited lease provisions* in the HUD tenancy addendum. Any prohibited lease provision must be struck in red ink from the owner's lease and the owner must initial and date the change. The owner is to be advised of their additional obligation to comply with material terms and provisions of the Louisiana State Landlord-Tenant laws, including laws prohibiting discrimination in the sale, rental or financing of housing.

The Section 8 Supervisor must approve the owner's lease and the Housing Representative must review the owner's lease for:

1. Initial term of tenancy of one year with a start and end date of 12 months. Where the lease will begin on other than the first day of the month the end date will be the last day of the same month one year later. For example, if the start date is 5/15/00 the end date will be 5/31/01.
2. Automatic renewal with defined successive term of *month-to-month, year to year, etc.*
3. Amount of rent due under the lease stated as the *tenant rent* calculated by the Housing Representative.
4. Amount of security deposit in an amount not to exceed one month's contract rent or the deposit charged by owner for their other *unassisted* units, whichever is the lesser.
5. Required provisions of HUD's Section 8 Tenancy Addendum dated March 2000.

O. TERM OF ASSISTED LEASE [24 CFR §982.309]

The initial term of the assisted lease between the owner and tenant must be at least one year, and the assisted lease must provide for automatic renewal. However, a shorter initial term may be entered into if consistent with local rental market practices.

The tenant family can terminate the lease at any time after the initial term of the lease. The tenant family must provide written notice of termination to the owner, pursuant to the lease, with a copy to the Housing Agency. The tenant cannot be required to give more than 60 days notice to the owner. [24 CFR §982.309(b)]

The lease can also be terminated at any time by mutual agreement of the owner and tenant. The assisted lease will automatically terminate if the PHA terminates the owner's HAP contract or assistance for the family.

The owner is required to give 30 days written notice to the tenant where the owner is terminating at the end of the lease term.

The owner can terminate the family's tenancy during the term of the lease only for *serious or repeated violations of the lease; violation of federal, state, or local law; or other good cause*. Owner must follow lease terms and landlord/tenant law for such terminations.

Grounds for owners to terminate the lease include, but is not limited to: *criminal activity by the tenant, any member of the tenant's household, a guest, or any other person under the tenant's control that involves drugs or other criminal activity threatening the health, safety, or right to peaceful enjoyment of their residence by persons residing in or near the tenant's residence*. [24 CFR §982.3 1 0].

Owner initiated eviction procedure must be established through the court systems, pursuant to State and local laws and any applicable HUD requirements.

Other good cause generally includes, but is not limited to: the family's failure to accept a new or revised lease; a family's history of disturbance of neighbors or destruction of property the owner's desire to use the unit for personal use or for a purpose other than as a residential rental unit; or a business or economic purpose, such as the owner's desire to lease the unit at a higher rent. During the first year of the lease, the owner may not terminate for *other good cause* unless it involves a family lease violation. [24 CFR §982.310]

PO-§1.00 Assisted Tenancy

The lease between the owner and tenant family is for less than the full rent due on the unit. The Housing Agency will make rental assistance payments to the owner on behalf of the assisted

tenant. During the term of the assisted tenancy the owner and tenant family must comply with the terms of the lease and HAP contract to ensure continued eligibility for program participation.

PO-§1.01 Initial and Successive Lease Terms

The Housing Representative must review the owner's form of lease to ensure an initial term of lease for a period of not less than 12 months. The Housing Representative must also ensure that the assisted lease provides for *automatic renewal* (e.g., *month to month or year to year*) after the initial term.

P. HOUSING AGENCY POLICY GOVERNING OWNER APPROVAL OR DISAPPROVAL [24 CFR §982.306]

An owner can be disapproved for program participation. Reasons for denial of participation can include, but are not limited to: owner has been *debarred*, *suspended*, or is subject to a *limited denial of participation (LDP)* by HUD [24 CFR 24]; owner has been found to have a practice of serious and repeated noncompliance with the terms of the Section 8 housing assistance payments contract (Form HUD 52641); or criminal activity by the owner.

When directed by HUD, the Housing Agency will not approve an owner or owner's unit if there is a government initiated administrative or judicial action is pending against the owner for a violation of the *Fair Housing Act* or other federal equal opportunity requirements or if a court or administrative Housing Agency has determined that the owner has committed such a violation. [24 CFR§982.306 (a)-(b)]

The Housing Agency may deny an owner's request for participation for any of the following reasons: [24 CFR §982.306(c)]

- Violation of owner's obligations under any Section 8 contract;
- Fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- Drug trafficking (based on a *preponderance of evidence*);
- Owner's history of non-compliance with the HQS or other applicable housing standards,
- Owner's history or practice of renting units which fail to comply with state or local housing codes; and/or
- Owner's failure to pay state or local real estate taxes, fines, or assessments.

Q. PAYMENTS DUE THE OWNER: HOUSING ASSISTANCE PAYMENTS AND TENANT RENT

The Housing Agency shall make Housing Assistance Payments to the Owner on behalf of the

eligible family in accordance with the HAP Contract. No payments shall be made for any unit occupied by an Owner except in the instance of owner occupied cooperative housing units or owner occupied mobile homes approved for pad rental assistance payments..

The lease between the owner and tenant shall provide *tenant rent* under the applicable HUD formula. The Housing Agency shall make a payment on behalf of the family to the owner that is known as the housing assistance payment (HAP). **The lease between the owner and tenant shall state the tenant's share of the rent.** The HAP contract will provide for the amount to be paid by the Housing Agency. Initially, and until notice of a change in tenant rent or HAP, the owner may collect only the amounts approved by the Housing Agency.

The Housing Agency may abate its housing assistance payment to the owner for non-compliance with material terms of the HAP contract. The Housing Agency may also withhold housing assistance payments to owner for amounts due the Housing Agency under one or more contracts with the Housing Agency. The owner may not collect from the tenant family any amounts withheld by the Housing Agency. The Housing Agency will terminate HAP the date any owner initiated eviction is concluded.

1. Calculation of Tenant Rent and Subsidy.

The tenant's rent and subsidy will be calculated in accordance with the prevailing HUD formula, including the minimum rent as most recently adopted by the Housing Board. **The minimum rent adopted by Municipality of Hormigueros Housing Agency is \$50.00 dollars.**

2. Establishing and Documenting Reasonableness of Owner's Rent

The rent to owner under the housing choice voucher program must be *reasonable* when compared to comparable unassisted units.

The Housing Representative must execute a rent-reasonableness certification at initial occupancy; whenever the owner submits a request for an increase in contract rent; and when there is a decrease in FMRs of five-percent (5%) or more in the 60-day period preceding the effective date of the rent increase.

The Section 8 staff will utilize the rent reasonableness methodology included at Exhibit #1 of this Plan.

3. Timing of Payments

Tenant rent is due and payable to the owner as of the date stated in the lease.

For new contracts, the Housing Agency shall make assistance payments to the owner as of the effective date of the Housing Agency-approved lease; in some instances this may result in a

retroactive payment of HAP. The Housing Agency will make every effort to execute the HAP contract with the owner as of the start of the lease term. The Housing Agency has up to 60 days from the date of the approved lease to execute the HAP contract. An owner is entitled to full payment of the HAP as of the approved lease date. However, if the Housing Agency and owner do not execute the HAP contract within 60 days of the lease effective date, the lease between owner and tenant shall be voided and no housing assistance payments will be made. [24 CFR §982.305(c)]

In some instances, the first payment for a new lease-up may not be made until the second month after the approved lease and HAP contract signed by the owner has been returned to the Housing Agency.

After the initial payment for a contract has been received the owner shall continue to receive monthly payments between the first and tenth working day of each month that the family occupies the unit as a Section 8-assisted family. The Municipality of Hormigueros Housing Agency shall make every reasonable effort to ensure owner payments are mailed on or before the first day of each month. Lost checks may be reissued after notifying the bank to stop payment.

4. Additional Payments

If the family vacates the unit after the first day of the month without written notice to the owner, with a copy to the Municipality of Hormigueros Housing Agency, as required under the lease and housing choice voucher, the owner is entitled to keep the full housing assistance payment for the month. The Housing Agency will not make further payments to an owner for any month after the month the family vacates.

If the family is approved to lease another unit during the same month, the Housing Agency will make a pro-rated payment to the new owner. In short, a family may be approved for two assistance payments for two different units in the same month, and such payments are not considered duplicate assistance.[24 CFR §982.31 l(d)]

5. Special Claims

Payments other than the regular housing assistance payments and approved *late fees* are prohibited in the housing choice voucher program. Any owner claims for unpaid tenant rent, vacancy loss or unit damage must be pursued with the tenant family.

R. CHANGING THE VOUCHER PAYMENT STANDARD [24 CFR §982.503]

At least annually, the Housing Agency shall evaluate whether an adjustment to the payment standard is necessary to assure continued *affordability* of housing by participating families. The evaluation shall take into account "local factors" as well as the financial impact on the program.

In no event shall the payment standard be less than 90% of the most recently neither FMR, nor greater than 110% of the most recently published FMR without express written approval of HUD.

The following are examples of local factors to be considered in establishing the payment standard schedule:

- Participant rent burden
- Actual contract rents for specific bedroom sizes
- Actual rent increases for participating families
- Current fair market rent
- Success rate in securing eligible housing
- Rent reasonableness data
- Vacancy rate data
- Market rent data for comparable unassisted units
- Financial impact on the Housing Voucher Program
- *Sufficient funding level provided by HUD to support continued assistance to families*

The Municipality of Hormigueros Housing Agency shall analyze whether voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, where such difficulties were found, the Public Housing Agency will consider whether it is appropriate to seek approval of exception payment standard amounts in any part of its jurisdiction and has sought HUD approval when necessary.

In the event that funding levels are insufficient to continue supporting assistance to families, the Hormigueros Housing Agency will analyze costs to the program, burden to participating families, burden to participating landlords and the overall social economic impacts to its communities. In its analysis the Hormigueros Housing Agency determines that funding levels are to low it will attempt to lower its payments standards to a tolerable 90% of FMR levels of funding. The Hormigueros Housing Agency will make every available effort to continue assistance at an adequate level of assistance to include lowering its payment standards below 90% of FMR as an intent to avoid terminations of HAP contracts in accordance with HUD requirements as stated in 24 CFR 982.454.

1. Changes in Application of the Payment Standard

The family's payment standard may be changed at regular re-examination and at the time the family moves, consistent with the Municipality of Hormigueros Housing Agency's most recently adopted payment standard schedule.

2. Adjustment to Initial "Rent to Owner"

The rent to owner (contract rent) shall not be changed during the “initial term of lease”. Owner may request an increase no sooner than 60 days before the anniversary date of the contract to ensure timely review and response from the MAHA and family. The owner may also request approval of an adjustment in the initial rent after the anniversary date upon 60 days written notice. However, any approved increase in rent will not be effective until the first rent period following a 30 day notice of approval to the owner and family.

Owner must provide both the family and the Housing Agency with copy of the owner’s proposed rent. The Housing Agency shall make a determination of the “reasonableness” of the owner’s proposed rent adjustment using the criteria described in Section Q.2 of this plan. If the agency determines the owner’s proposed rent adjustment to be “unreasonable” in light of its review of “like units” (i.e., *unit comparables*) the family will be so advised and given the opportunity to:

- a. Move with continued voucher assistance;
- b. Continue in occupancy with the owner under a non-assisted lease agreement (and absent voucher subsidy).

S. SECURITY DEPOSITS [24 CFR §982.313]

The owner may collect a security deposit from the tenant family that does not exceed one month's contract rent. If the owner collects less than one month's rent as security deposit on the owner's other (unassisted) rental units the security deposits on the Section 8 assisted units must be established at the same amount.

Owner may use the security deposit to cover unpaid tenant rent owing at time of move out, damages and/or other costs allowed under State Landlord-Tenant Act. The Municipality of Hormigueros Housing Agency will provide a prior Section 8 owner with the current address of a family who continues to receive Section 8 assistance when the owner provides evidence that (1) the unpaid rent/damages exceed the security deposit collected and (2) the owner has received a court judgment for additional amounts owed.

T. CONTINUED ELIGIBILITY AND INCOME ADJUSTMENT

A family's eligibility for Section 8 Voucher Assistance (HAP) continues if the family meets the requirements governing eligibility, **until** (1) the Total Tenant Payment equals the Gross Rent for the dwelling unit occupied under the Housing choice voucher Program or (2) until 30% of the family's monthly adjusted income equals or exceeds the applicable payment standard under the Voucher Program; or (3) 10% of family's monthly income equals or exceeds the actual rent plus any allowance for tenant-paid utilities. Payments under both programs can be reinstated if the family's income drops. However, if no payments are made for a period of 180 days (6 months),

the HAP contract automatically terminates. [24 CFR §982.455]

Termination of rental assistance at such point shall not affect the family's other rights under its lease Agreement nor shall such termination preclude resumption of payment as a result of subsequent changes in income or rents or other relevant circumstances during the six-month term. The family must pay the full contract rent when HAP is reduced to zero, and the assisted lease between the owner and tenant automatically terminates.

PT-§1.00 Interim Reporting Policy and Procedures

Housing Choice Voucher families are required to report the following changes in family circumstances between regularly scheduled re-certifications:

1. The tenant must report all changes in the household composition.
 - a. If a household member vacates the unit and is considered by the family to be permanently absent; or
 - b. A new person is proposed to move into the unit.
2. The tenant may report any of the following changes that would result in a decrease in the tenant's rent:
 - a. Loss of income;
 - b. Increase in allowable expenses (i.e., *child care, handicapped assistance, medical*).

Decreases in the tenant's portion of the rent will be effective the first day of the month following the month in which the change occurs, sometimes resulting in a retroactive decrease.

However, the MAHA will not reduce a tenant's rent for a loss/reduction in welfare income (TANF) due to family:

- Fraud
- Failure to participate in a required work activity
- Failure to participate in a required economic self-sufficiency activity

Any reported reduction in welfare benefits will be verified with the local welfare department. The agency will rely on the written statements of the welfare agency in making its determination of eligibility for a rent reduction.

3. Tenants must report all income increases within 10 days of the change. However, rent

increases as a result of an increase in *earned* income from a previously reported employer, or an increase in *cash assistance payments* (e.g., SSI, SSD, TANF, etc.) will not go into effect until the next regular schedule annual examination. However, a change of employers, or a family member becoming employed after having reported being unemployed, will result in an interim re-determination of tenant rent. Other family changes resulting in an interim re-determination of tenant's rent is described at section PT 1.02.

4. A new source of income and/or unreported increases in income (where required by this policy) that remains unreported for more than 30 days, will be considered a program violation resulting in a retroactive increase in tenant's rent. A family with a retroactive increase may be eligible for a repayment agreement. A family cannot, however, enter into multiple payment agreements with the MAHA which may result in a requirement of full payment of the amounts owed.

PT. §1.02 Family Circumstances Requiring Interim Re-exams:

1. For families reporting zero income, interim re-examinations will be scheduled every 90 days and an affected family will be given 30 days written notice of any increase in TTP;
2. For families whose annual income cannot be projected with any reasonable degree of accuracy such as self-employed persons, interim re-examination shall be conducted every 90 days;
3. For families where Housing Agency personnel made an error at admission or re-examination an interim re-exam will be conducted upon notice by the Municipality of Hormigueros Housing Agency. The family will not be charged retroactively for an increase in TTP; however, any decrease in tenant's rent will be made retroactive.
4. For families who report a temporary loss of income and the income is expected to be fully restored within 30 days the Housing Agency will not perform an interim re-exam. Staff must receive 3rd party written verification that the income is expected to be fully restored.
5. For families whose rent has been based on false or incomplete information supplied by the applicant or resident an interim re-exam will be conducted upon notice by the Municipality of Hormigueros Housing Agency. Any increase in TTP will be made retroactively.
6. Notice to the Housing Agency of *family income discrepancies* through HUD's *Tenant Assessment Sub-System (TASS)* will require performance of an interim reexam.

PT-§1.03 Forms Used for Interim Reexaminations

Adult household members will be required to sign the applicable forms for third party verification for all factors of income or household composition **that have changed since the last certification**. Family factors impacting the rent calculation, which have not changed will not be re-verified even if the verifications are more than 120 days old. Section 8 staff will only verify the reported changes.

PT-§1.04 Standard for Timely Reporting of Changes and Tenant Penalties for Untimely Reporting

The family must report any required change within thirty (30) calendar days of when income or change in household composition occurs.

If the family does not bring the required information with them to the interview, a new interview date will be set within that month. In addition, third party verification will be sent out to verify the change(s).

An increase in tenant rent may be made retroactively while any decrease will be implemented prospectively, when the family does not keep the second scheduled interview appointment and fails to return by the end of the month. The Total Tenant Payment is calculated when the verification is received, and it will be considered "untimely reporting" by the tenant.

PT-§1.05 When the Change is Reported in a Timely Manner:

When the family reports a required change in a timely manner the Municipality of Hormigueros Housing Agency will notify the tenant of any change in the Tenant's Rent to be effective in accordance with the following guidelines:

1. Increase in the Tenant's Rent will be made effective on the first of the month following the 30-day notice of rent increase.
2. Decreases in the Tenant's Rent will be effective the first of the month following the month the change occurred.

The change may be based on the documentation the tenant brought with them to the interview, followed up by the third party verification sent to the agency. Verbal representation alone by the tenant will not be acceptable. If the tenant has no form of documentation to support a decrease, downward rent adjustment will not be processed until the Housing Agency has received the necessary verifications. In such cases, this will result in a retroactive decrease in tenant's rent and the family is not liable for rent payment until the interim has been completed and the family has been notified of the amount and effective date of the change.

PT-§1.06 Timing of the Next Annual Re-certification:

Without regard to the number of interim re-exams conducted, the family's annual date of re-exam will remain the same.

PT-§1.07 Section 8 Staff Procedures for Conducting Annual Re-exams

The Section 8 Housing Representatives have responsibility for initiating and completing the annual re-exams in a timely manner. This means all required actions, including the annual inspection, is concluded at least thirty (30) days prior to the anniversary date.

The staff shall:

1. Send initial notice to re-certify with scheduled appointment date/time 90-120 days prior to the effective date;
2. Send follow-up notice within 5 days of a missed appointment if a family fails to show or reschedule appointment;
3. Send 30-day notice (3rd notice) of intent to terminate for non-compliance with terms of the voucher if the family has failed to respond to first and second notices. However, third notice must be sent at least 30 days prior to anniversary date. Third notice serves as the 30-day termination notice and shall be sent to both the tenant family and owner with reason(s) for proposed termination and family's right to request an informal hearing.
4. If family schedules appointment during the last 30 days Section 8 staff is to process the re-certification. Any changes in tenant's rent will be subject to timing described at §1.04 (i.e., tenant penalty for untimely reporting).
5. If family does not participate in re-exam interview by the scheduled effective date Section 8 staff will follow normal termination of assistance procedures.

U. REGULAR (ANNUAL) RE-EXAMINATION OF FAMILY'S INCOME AND CIRCUMSTANCES [24 CFR §882.212/882.515]

1. Annual Re-examination

Re-examination of a family's income and composition shall be made at least annually. If at the time of admission or re-examination, a family's income cannot be reasonably determined for the upcoming 12 month period, the Housing Agency shall require the family to comply with its 30, 60 or 90 day re-exam schedule.

2. Re-determination of Total Tenant Payments and Housing Assistance Payment

The Housing Agency shall make an appropriate re-determination on the amount of Total Tenant Payment and amount of the Housing Assistance Payment. Written Notice of Tenant's Rent and

HAP will be provided to both the owner and tenant with a copy to the tenant's file.

3. Termination of Payments

Termination of Housing Assistance Payments due to a determination of family's ineligibility shall be in accordance with applicable HUD guidelines.

4. Changes in Family Size and Composition

Changes in family composition that result in a change in *family unit size (i.e., "voucher size")* will result in issuance of voucher with a different unit size only at the time the family moves, or at the time of the regularly scheduled annual reexamination of family circumstances.

5. Disclosures and Verification of Social Security Number

At re-examination, the family shall be required to disclose and verify Social Security Numbers for any family member age 6+ who has been assigned a social security number since the last certification or re-certification, as outlined in 24 CFR 5, as amended.

6. Evidence of Eligibility for Assistance Based on Citizen or Eligible Alien Status

Each family member, regardless of age, must submit a declaration of status as a U.S. citizen or a U.S. national or evidence of *eligible immigration status*, as defined at Section 214 of the U.S. Housing Act of 1980, and as amended in the Immigration Reform Act of 1996.

For citizens or nationals, all that must be submitted is a signed declaration of citizenship. Non-citizens age 62 and older, as of 6/19/95, must submit a signed declaration of eligible immigration status and proof of age. Other non-citizens must submit a signed declaration of eligible immigration status, proper documentation, and a signed verification form. Adults must sign their own forms. An adult residing in the assisted housing unit who is responsible for the child must sign applicable forms for children. [24 CFR §5]

The Housing Agency will conduct verification of eligible immigration status when other aspects of eligibility for assistance are being verified. The primary method of verification will be the use of the computerized verification system administered by the U.S. Immigration and Naturalization Service (INS). [24 CFR §5]

Housing assistance may be denied or terminated to an applicant or recipient in accordance with 24 CFR §5). An applicant household will have their assistance delayed or denied until at least one continuing family member has established eligibility as a U.S. citizen, U.S. national or an eligible immigrant. If all other factors of eligibility have been confirmed the family may be granted a 30 day extension to comply with the Section 214 provision, as amended. If the family fails to comply within this 30 day period the family will be determined ineligible for housing

assistance and their HAP will be terminated.

Section 214 Compliance is a one-time requirement for each family member and is only implemented at re-exam for new family members.

Denial or termination of assistance to an applicant or participant's family can be appealed to the Housing Agency consistent with Section Y and with the INS in accordance with 24 CFR 5 subpart F.

PU-§1.00 Income Determinations

The gross annual income of the family is used to determine income eligibility and Total Tenant Payment, including sources of income as described at 24 CFR §5, and as periodically revised by HUD.

1. Income of Minors (Family members age 17 and younger)

Only certain sources of income to a minor will be included when determining the family's gross annual income. Such income includes benefit income of a minor such as social security, TANF, or any unearned income of a minor (including interest on a savings account). None of the earned/wage income of a minor will be included.

2. Income of Full Time Students

The Housing Agency will only include the first \$480 of earned income of a full-time student age 18 and older.

If the student receives grant or scholarship income the Housing Agency will not include any of the educational benefit income in calculation of annual income. In no case will the Municipality of Hormigueros Housing Agency include student loans as income to the household no matter how the loan will be expended.

3. Income of Temporarily Absent Family Members

Family composition is a self-certification by the head/co-head of household. It is the policy of the Housing Agency to include:

- a. Income of all persons expected to reside in the unit in the upcoming 12 month period.
- b. If one or more family members will be absent from the unit for any portion of the 12 month period covered by the certification they will be considered a temporarily absent family member.

- c. The absent family member's income will be included for the full 12 month period even if the income will not be available to the household for the period of time they expect to be absent.
- d. If the absent family member is the head or spouse their full income will be included as income to the household even if they are not expected to occupy the unit or to be listed on the lease.
- e. If the head or spouse is permanently absent from the household the Housing Representative may require verification.
- f. Acceptable forms of independent verification will include:
 - Legal separation papers
 - Divorce decree
 - Evidence of institutionalization; and
 - Document from Department of Human Services identifying current household members.

Dependent upon the circumstances the Housing Agency may consider other forms of verification that the family member is no longer a "member of the family".

In the absence of acceptable verification, the Housing Agency will continue to include the income of the absent family member as if they were only "temporarily absent".

4. Income of a Confined Family Member

If a family member has been permanently confined to a hospital or nursing home the Housing Agency will not include the income of this family member as income to the household, nor will the Housing Agency compute allowances/deductions for a permanently confined household member.

When the confined family member's income is excluded, the confined family member must not be listed on the assisted lease agreement between the owner and tenant family. The permanently absent family member's name can be removed from the existing lease. No new lease is required.

5. Regular Recurring Cash Contributions or Gifts

The Housing Agency will include as income only those cash contributions that the family expects to receive on a regular recurring basis. Staff may use credit reports to determine the potential for such recurring gifts, in addition to signed statements by donors or affidavits by the recipient. If an adult family member "barter" their labor for goods rather than monetary compensation the Municipality of Hormigueros Housing Agency may establish a cash value for the personal service and use it as income to the household.

Non-cash gifts such, as groceries will not be included.

6. Net Income From a Business (or Profession) or From Rental of Real or Personal Property

The net income from a business or from rental of real or personal property will be included as income to the household.

Section 8 Staff will calculate the net income from a business by deducting from the projected gross income the following expenses: straight-line depreciation, the interest portion of loan payments, and all other expenses of the business which are routine expenses of the business, and not related to business expansion or capital improvements.

If there is evidence that the family withdraws cash or assets from the business these withdrawals will be included as income to the household unless there is verification that the withdrawal is specifically for reimbursement of amounts the family invested in the business.

Verification of business expenses to be deducted from the gross income of the business will be in keeping with requirements stated at Exhibit (Statement of Acceptable forms of verification).

Adult family members engaged in the operation of a business or profession will be subject to a 90 day re-exam schedule, as deemed appropriate by staff, for purposes of documenting current income. Section 8 staff may require such adults to maintain reports/records of current income (gross receipts) and expenses for the period between the performances of the interim re-exam.

7. Lump-Sum Payments to be counted as Income

The Housing Agency will include only two types of lump-sum payments as income to the household. All other lump sum payments will be treated as an asset. The two types of lump sum payments to be included as income are:

- a. Lump-sum payments for either a delayed start of a periodic payment (such as delayed payment of unemployment benefits); or
- b. Lump sum payments for settlement of a disputed claim of what would have been a

periodic payment (such as a lump sum payment of back child support).

Where such lump sum payments are received, the Housing Agency will require repayment on a prospective basis rather than a retroactive basis.

This method will result in an increased TTP over 12-18 month period and allows for the gradual repayment of the monies owed for the period of time that Housing Agency "carried" the family while they were awaiting the benefit payments.

In the event the family receives a lump-sum payment that includes payment for a period of time that the family was not receiving housing assistance the Housing Agency will not include that portion of the lump sum payment in its prospective calculation in the amounts to be repaid.

8. Policy Governing Alimony and Child Support

A court-ordered decree will serve as third party verification of the amount of alimony and child support income expected to be received by the family. No other form of verification is required unless the family asserts that they are receiving an amount that differs from the decree. In this instance the Housing Representative must verify the amount which is actually being received; and the family has made all reasonable effort to collect the full amount due, including evidence of filing with courts or agencies responsible for enforcement of the payments due.

If the family is using the services of Legal Aid and there is documentation that the family has made an appointment for the express purpose of pursuing back payments the Municipality of Hormigueros Housing Agency will consider this as an appropriate measure for taking "legal" action. Evidence of filing for enforcement of the child support order with the local Child Support Enforcement Agency (CSEA) and it is also considered an appropriate form of action under this rule.

When third party verification cannot be obtained which counters the decree the amount in the decree will be considered as income to the household.

9. Treatment of Military Pay

The military pay of the head of household or spouse, including allowances with the exception of combat/hazardous duty pay, will be included as income to the household, even if the head/co-head or spouse is not listed on the lease.

- a. If the absent head/co-head has income from outside jobs or income from assets these income sources will not be counted as income to the family.
- b. If the family receives an allotment from an adult child in the military on a regular recurring basis only the amount of the allotment will be included as income and

not the full military pay.

- c. In instances where the adult child in the military is listed on the lease they will be treated, as a "temporarily absent family member" and the full amount of pay, including all regular allowances, will be counted as income to the household.
- d. Verification of the military pay and regular allowances will be solicited first from the unit commander on a form developed by the Housing Agency unless the military requires a different form for verification purposes, in which case the military's form will be used.

If Section 8 staff is unable to receive third party verification (written preferred) a review of documents will be undertaken. The Section 8 staff will document the family file as to why they were unable to receive third party verification. The spouse/co-head must cooperate by providing Section 8 staff with required information such as:

- Unit identification/address,
- Rank
- Serial/social security number

Failure to cooperate will result in a denial of admission or termination of assistance for a participating family.

10. Procedure for Projecting Unstable Income

Where a family member has sporadic, yet recurring income such as a business owner or temporary clerical work (i.e., "Kelly-Girl") the Section 8 staff will include projected income based upon current income and expenses:

- a. Place family on a 90-day re-exam cycle;
- b. Require family to bring income information for the 12-week period preceding the date of certification;
- c. Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 12-month period.
- d. Combine the income from this period with the income from the prior period to establish a new baseline weekly or monthly figure;
- e. Recalculate the TTP and determine need for additional interim re-exams.

PU-§1.02 Asset Determinations

Income from assets is to be included as income to the household. Asset income to be included can include either actual or *imputed* income from assets depending upon the total value of assets

effectively owned by the family. Accordingly, the Housing Representative shall establish the cash value of assets held by the family.

Assets to be considered will include the following:

- Amounts in savings and checking accounts;
- Stocks, bonds, savings certificates, moneymaker funds and other investment accounts;
- Equity in real property or other capital investments
- Cash value of trusts that are available to the household;
- IRA, Keogh and similar retirement savings accounts;
- Contributions to company retirement/pension fund;
- Assets, which although owned by more than one person, allow unrestricted access by the applicant;
- Lump-sum receipts such as inheritances, capital gains, lottery winnings, cash from sale of assets, insurance settlements, Social Security and SSI lump-sum payments and other claims;
- Personal property held as an investment such as gems, jewelry, coin collections, antiques cars, etc.;
- Cash value of life insurance policies;
- Assets disposed of for less than fair market value during the two years preceding examination or re-examination.

Where there is a dispute over the "effective ownership" of an asset, the Section 8 staff will determine ownership based upon (a) who reports the asset to IRS for tax liability purposes; and (b) who receives the income from the asset as reported to the IRS.

Where the percentage of ownership is legally defined only that portion/percentage of the cash value of the asset will be included in the calculation of net family assets.

The value of necessary personal property maintained for personal use will not be included in the calculation of net family assets, including but limited to items such as clothing, furniture, jewelry, automobiles, stereo/TV equipment, etc.

If the family, however, maintains personal property for money-making purposes (i.e., investment purposes) the value of such items will be included in the calculation of net family assets. If there is a question/dispute over whether or not personal property is to be included as an asset the definition/ test will be as follows:

- *Necessary personal property is not expected to increase in value; and*
- *Necessary personal property is usually "used" by the owner.*

This would include *rental property for investment purposes* as an asset to the household. In this instance, the cash value of the rental property and the *net rental income* will be included as a source of income to the household. If the property is part of an active business, as would be the case of a person where real estate is their main occupation, then the property will be treated as Assets of the business and not as a family asset.

The Section 8 staff will include both current and actual assets the family now holds as well as assets the family has disposed of for less than fair market value (i.e., imputed assets) in the two-year period preceding the date of certification or re-certification.

It is the policy of this Housing Agency to exclude the imputed assets when calculating the net family assets in two instances. First, where the asset(s) were disposed of for less than fair market value as the result of a legal proceeding/judgment or, second, when the value of the asset at the time of disposal was less than \$1,000.00.

PU-\$1.03 Determining Adjusted Annual Income

Adjusted annual income is defined as *gross annual income less allowable deductions from income.*

Congress has established the deductions and allowable expenses to be deducted from the gross annual income. Currently, the Housing Agency is implementing the following deductions from income as applicable to each family's individual circumstances:

- \$480 dependent deduction
- \$400 elderly/disabled household deduction

Neither of these deductions from income requires third party verification. Eligibility for the *dependent* and *elderly household* deduction is achieved through a Section 8 staff evaluation of the family's circumstances and prevailing HUD instructions/definitions.

Allowable expenses, which can be deducted from gross annual income, must be third party verified and include:

- Reasonable childcare expense
- Allowable handicapped assistance expense; and
- Allowable medical expense

PU-§1.04 Housing Agency Child Care Policy

1. Consistent with current HUD instructions at 24 CFR 5 and handbook 4350.3 CHG-1, the MAHA will deduct reasonable childcare expense when all of the following is true (and verifiable):
2. Expense enables a family member to go to work, to school or to look for a job after recently losing a job; (up to 20 hours weekly with documentation acceptable to the Municipality of Hormigueros Housing Agency).
3. In instances where the childcare is necessary to allow an adult family member to seek employment, the agency will allow up to 20 hours of weekly child care expense. The family must provide documentation to support both their efforts to gain employment, and the related childcare expense. Staff may use receipts or similar forms of verification that are dated for the period of eight weeks preceding the certification.
4. "School" is either academic or vocational and the course of study will result in a degree/diploma or a certificate;
5. Enrollment in school is either full- or part-time in accordance with that institution's definition;
6. Expense is for the care of children in the assisted household who are age 12 or younger (including the cost of care for a foster child age 12 and younger which is not paid/reimbursed);
7. Childcare expenses cannot be paid to a family member residing in the assisted unit nor paid (or reimbursed) by an organization or individual outside of the unit;
8. Expense is reasonable in terms of cost and relationship to eligible activity (as stated in [a] above).
9. Any expense associated with the keeping of children to allow a family member to go to work does not exceed the earnings of the individual who is enabled to work.
10. No adult is available or capable of providing the childcare during the hours required.
11. Childcare expenses (not to exceed \$600.00 annually) to unable a family member to seek employment.

Procedures for Establishing Reasonable Costs of Child Care

To determine if the cost of the childcare is reasonable the Housing Agency will conduct a survey of childcare providers at least annually. This survey will include both "in-home" providers as well as institutional providers (e.g., **Kinder Care Center**). Section 8 staff will be provided a schedule of "reasonable" charges and the maximum cost to be deducted will be established in light of the survey results.

If the family incurs expense in excess of the stated amounts on the Housing Agency's schedule

the survey amount will become the maximum allowable expense to be deducted unless there are extenuating circumstances. In such cases the approval to exceed the scheduled amounts must be approved by the supervisor of Housing Representatives on a case-by-case basis.

PU-§1.05 Income Verification Requirements

The Housing Representative will request only that information which is necessary to determine the family's eligibility or level of assistance. For some types of income listed in Appendix 1 of this plan, appropriate requests for information are combined with the types of verification that are permitted.

In deciding whether to add information to a particular verification request that is not listed below, the Housing Representative must ask:

- *Is this information necessary to determine the individual's eligibility for assistance or level of assistance?* If the answer is *yes*, then the Housing Representative may verify that information.
- If the answer is *no*, then the Housing Representative may not verify that information.

V. INSPECTIONS OF DWELLING UNIT [24 CFR '982.401]

1. Initial Inspection of Unit

Before approving any Lease Agreement, the Authority shall inspect the unit for compliance with the HUD Housing Quality Standards, as amended by local code, where applicable. Any such amendments to the HQS will board adopted.

- a. If there are any deficiencies that must be corrected, the Housing Agency shall notify the Owner and tenant of the corrections required. The Housing Agency shall re-inspect the unit to insure that all deficiencies are corrected prior to approving a Lease or HAP Contract.
- b. The Authority shall prepare and maintain reports on initial inspections and any required re-inspections. The inspection report shall specify (i) any deficiencies that must be corrected; and (ii) any other deficiencies (comments), as a factor in determining the *reasonableness* of the rent to owner.

2. On-going Inspections to Determine If Unit meets HQS

The Housing Agency shall inspect or cause to be inspected each unit at least annually, and at such other times as may be necessary, to assure that the owner and tenant family is maintaining the unit to meet the HQS and providing the agreed upon utilities and other services.

3. Applicability of the HQS Occupancy/Space Standard

The HQS Occupancy Standard shall be used as *acceptability criteria* for space and security requirements. The *family unit size* on the assigned housing choice voucher shall be established in accordance with the following general criteria:

- a. Parents are not required to share a bedroom with a child (regardless of age)
- b. Children of the same sex are expected to share a bedroom (regardless of age)
- c. Two children of the opposite sex, ages 6 or younger are expected to share a bedroom
- d. Two children of the opposite sex over the age of 6 are not expected to share a bedroom
- e. Adults of different generations (e.g., grandmother, mother, daughter) will be assumed to have separate bedrooms
- f. An unrelated adult, such as a live-in aide, is not expected to share a bedroom with a family member
- g. Elderly or disabled household members (related or unrelated) will be considered for separate bedrooms; and
- h. Spouses or persons operating in a *spousal type* relationship are expected to share a bedroom.

Exceptions to the above criteria will be made, when necessary, for persons with disabilities as a *reasonable accommodation* under law. For example, a husband and wife could be assigned a two bedroom voucher if there are documented disabilities/medical conditions that necessitate separate bedrooms.

Similarly, a family may actually select a unit smaller than the designated *family unit size* as long as the unit selection will not result in more than two persons sharing a *sleeping room* (as defined by HUD regulations).

The Housing Agency shall not charge the family or the owner for any inspection performed. (24 CFR §982.405.)

4. Determination that Unit does not meet HQS

The owner is generally responsible for maintaining a unit in accordance with the HQS, and failure to carry out this responsibility can result in Housing Agency enforcement action.

When a unit does not meet the HQS and the Owner or tenant fails to take corrective action after being duly notified, the Housing Agency may exercise any of its rights, including abatement of HAP (even if the family continues in occupancy), reduction of HAP and/or termination of the Contract. The Housing Agency cannot make HAP for a dwelling unit that fails to meet the HQS unless the owner corrects the defect(s) within the time period specified by the Housing Agency.

Life threatening defects must be corrected within no more than 24 hours, and other defects must be corrected within no more than 30 days or any Housing Agency-approved extension.

Life threatening defects are defined to include, but not necessarily limited to:

- Electrical hazards (e.g., *exposed wiring*, “*shorting*”, *open/non-functioning junction boxes*, *improper wiring*, etc.);
- Broken/missing smoke detectors
- Severe tripping hazards (e.g., *missing floorboards*, *severely broken/missing steps in rooms used for living*, etc.)
- Severe water leaks (i.e., freely running water that poses a threat to life or property)
- Noxious gases/odors
- Blocked fire exits
- Sharp edges (e.g., broken protruding glass)
- Improperly stored flammable liquids (e.g., gasoline, kerosene, etc.)
- Health hazards as defined by local/county code

5. Family Obligation to Comply with the HQS

The family is responsible for any HQS breach caused by its failure to maintain tenant paid utilities, by its failure to maintain tenant-supplied appliances, or damage to the unit by a family member or guest over and above ordinary wear and tear. The family, like the owner, must correct any life-threatening defect for which it is responsible within no more than 24 hours and any other defect within 30 days or any Housing Agency-approved extension.

The Housing Agency may terminate Section 8 rental assistance for a family that causes an HQS breach. [24 CFR §982.404]

6. Housing Agency and Owner Obligations for Units with *Lead-Based Paint*

Prior to execution of the HAP contract the owner must inform the Housing Agency and the family of any knowledge the owner has of the presence of lead-based paint on the surfaces of the residential unit. [24 CFR §982.401]

The Municipality of Hormigueros Housing Agency will inspect units constructed before January 1, 1978, **expected to be occupied by children under the age of six** to determine if there is deteriorated paint. All deteriorated paint will be made intact before the Municipality of Hormigueros Housing Agency will enter into a HAP contract. If the unit will be occupied by a child with an *elevated intervention blood lead level*, the Municipality of Hormigueros Housing Agency will perform an inspection of the unit to determine whether there is lead-based paint on chewable surfaces or any deteriorated lead-based paint. Chewable surfaces include all painted chewable surfaces in the unit within reach of a six-year-old child (i.e., painted surfaces up to five feet from the floor).

The Municipality of Hormigueros Housing Agency will pay for the lead-based paint testing of unit constructed before January 1, 1978 that will be occupied by children under the age of six if the local or state health agencies are unwilling or unable to do so.

A clearance test will be performed by the Municipality of Hormigueros Housing Agency for initial and annual units when the amount of deteriorated paint exceeds the *de minimis* levels specified in the regulations of no more than 20 square feet collectively on exterior surfaces or no more than two square feet in any one interior space or room, or no more than 10 percent of the total surface area on an interior or exterior type of component with a small surface area such as window sills, baseboards, and trim. The Municipality of Hormigueros Housing Agency will ensure that the owner is responsible for:

- a. Payment of subsequent clearance test where the initial clearance test failed the unit, and
- b. Submittal of the results of the subsequent clearance tests to the Municipality of Hormigueros Housing Agency and the family.

Pursuant to §982.401(j)(3) the Municipality of Hormigueros Housing Agency will undertake a visual inspection for defective paint surfaces, on which paint is cracking, scaling, chipping, peeling or loose, in all pre-1978 units that will be occupied by families with children under the age of six. If defective paint surfaces are found, the unit may not be approved unless surfaces have been treated in accordance with §982.4401(j)(6).

When inspecting a dwelling unit (both initial and annual inspections) that was constructed before January 1, 1978, and that will be occupied by a family with a child under the age of six with an identified EBL condition, the Housing Agency will include:

- a. Visual inspection for deteriorated paint;

- b. A test for lead-based paint on chewable surfaces; and
- c. Any other tests required by local or State laws.

The Municipality of Hormigueros Housing Agency will also inspect and, if applicable, have the owner treat exterior chewable surfaces within five feet from the ground.

The HA will conduct a risk assessment of the unit in which the child, under age of six with an environmental intervention blood-lead level (EIBLL) lived at the time the blood as last sampled, unless an evaluation has already been conducted by the public health department. Risk assessments will be conducted within 15 days of being notified by the public health department or other medical health providers that a EIBLL child under age of six resides at a unit assisted by a housing choice voucher pursuant to 24 CFR §35.1350(d).

Clearance inspections will be performed within 24 hours of the owner's notification that repairs have been completed. For initial units, if the unit fails a second time the Municipality of Hormigueros Housing Agency shall notify the owner that the family may not lease the unit with assistance under the housing choice voucher program, unless final clearance is achieved. If the unit is under a HAP contract, the Municipality of Hormigueros Housing Agency will notify the owner that the Housing Agency will abate payments and that the HAP contract will be terminated once the family is relocated.

7. PHA Data Collection and Record keeping

The owner and the Housing Agency must comply with all requirements of the final rule on Lead-based Paint published, effective September 15, 2000.

The Housing Agency will attempt to collect annually from local health agencies the names of children with an *elevated blood level (EBL)*, and will annually attempt to match this information with the names and addresses of assisted families. If a match occurs, the Housing Agency must determine whether local health officials have tested the unit for lead-based paint. If the unit has lead based paint the Housing Agency will require the owner to treat the lead based paint in accordance with 24 CFR 982.401. If the owner does not take the required corrective action in the time prescribed, the Housing Agency will issue the affected family a voucher to move.

The Housing Agency will keep a copy of each unit's inspection report for at least three years. If a dwelling unit requires testing for lead-based paint, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the Housing Agency will maintain the unit inspection reports indefinitely and, if applicable, the owner's certification of treatment.

The Municipality of Hormigueros Housing Agency will document that it requested from local and State health departments the address of families with RBL children assisted with housing choice vouchers in the tenant-based assistance programs.

8. Applicability of Local Code to Health and Safety

Section 8 Representatives will use local code requirements for existing housing in determining the appropriate corrective action to be taken by an owner for any defects related to the health and/or safety of the occupants.

9. Conduct of Quality Control (QC) Inspections

The Section 8 program Director, Nelly Ramos Vazquez will re-inspect at least 10 units initially inspected by the Section 8 Housing Representatives or a design person.

The QC inspections will be performed throughout the year, and a record of all such QC inspections will be maintained in a separate file, as SEMAP Documentation.

The QC sampling will include units that initially passed and failed HQS to assure:

- Consistency between Representatives
- Uniform application for HQS

PV-§1.00 Overview

The Municipality of Hormigueros Housing Agency adheres to the acceptability criteria as found in 24 CFR 982.403 and the HUD Inspection Booklet (governing the Section 8 Housing Quality Inspection Standards. HUD's Housing Quality Standards are applicable to all housing assisted under any form of HAP contract.

PV-§1.01 *New/Move Unit Inspection Procedures*

The Housing Agency shall conduct unit inspections before lease approval and execution of a HAP Contract to ensure the unit is in compliance with the HQS or HUD-approved variations for the Municipality of Hormigueros Housing Agency's Section 8 program.

Once a Voucher- Holder and prospective owner have requested lease approval for a specific unit, the Housing Agency is responsible for the following:

1. The Housing Inspector shall make every reasonable effort to schedule a unit inspection on the date the owner indicates the unit will be ready for inspection within seven days of receiving RFTA, or as soon thereafter as possible. Lengthy delays of inspections will be avoided since delays can cause owners and families to lose interest in program participation.

2. The Housing Inspector shall conduct a thorough inspection of the unit to determine compliance with all *HQS Performance Requirements and Acceptability Criteria* prior to lease approval.
3. *Marginal units* (i.e., those that are likely to fall below the HQS within a year) will not be approved.
4. The Housing Inspector will inspect the unit using the long or short version of Form HUD-52580, as instructed by the supervisor of inspections.
 - If the unit fail its initial inspection the owner will be given ten (10) calendar days in which to make the required repairs.
 - If the unit fails the re-inspection and the owner cannot show "good cause" for failure to comply, the unit shall not be eligible for re-inspection under the same RFTA. Family shall be advised to search for another unit and to submit another RFTA before the expiration date of the voucher.

All determinations resulting from each inspector's on-site inspection will be adequately documented in the participant file.

PV-§1.02 Additional Duties of the Inspector

Prior to or during the inspection, the Housing Inspector (Representative) shall obtain the following information to assist the Housing Representative in making additional determinations which are required by the program:

1. The actual number of bedrooms (excluding living/sleeping rooms) contained within the unit to insure that the proper FMR limitations are used and that the owner's statements on the *Request for Tenancy Approval* regarding unit size are factual (applicable to the voucher program).

For example, an owner may have considered the unit to be a three bedroom unit, but the Housing Agency may find that only two of the bedrooms meet the applicable HQS criteria (e.g., a window, two electrical outlets or one outlet and one permanently installed light fixture).

Unless the owner is willing and able to bring the third bedroom into compliance, the unit must be considered a two-bedroom unit for rent reasonableness, and for determining whether the unit meets the HQS space and security criteria.

2. Information with respect to the unit's age, quality, amenities, location, contract and gross

rents, unit type, and square footage of living space, which is necessary to determine whether the requested rent to owner is reasonable.

The Housing Agency's Representatives will assist in collecting and validating the information given as they have first hand knowledge of the units and the rental marketplace.

PV-§1.03 Annual Inspection Procedures

The Housing Agency is required to inspect each dwelling unit at least annually to determine if the owner and tenant family is maintaining the unit in a decent, safe, and sanitary condition.

1. The Housing Agency shall conduct its annual inspection(s) within one year of the date of the previous inspection. The annual re-inspection will usually coincide with the anniversary date of the contract. In some limited circumstances the Section 8 Office may conduct the re-inspection and the family re-examination at different points in time, but both activities will occur within 12 months of the initial activity.
2. The Housing Agency will also promptly conduct inspections as part of the re-exam process to ensure that any deficiencies are corrected as of the anniversary date.
3. The same procedures and forms as used for initial inspections shall be used for annual inspections.
4. At re-exam, the inspector shall use the inspection form to document improvements that may have been made to the unit since the last inspection to determine whether information pertaining to rent reasonableness should be updated. This documentation for Housing Agency files is especially important if the owner is requesting an annual adjustment in the contract rent on the basis of such actions.
5. The Housing Agency shall also cite recommended improvements to encourage upgrading of units above the HQS on the annual inspection form. Such improvements may be in the owner's best interest since this may justify a higher comparable rent.

PV-§1.04 Special Unit Inspections

There may be circumstances other than the initial and annual inspections which require the Housing Agency to determine a unit's compliance with the HQS criteria, as follows:

- Written or oral complaints/requests from participating families, owners, or other sources regarding the unit's condition or lack of maintenance and services by the responsible parties; or

- Owner requests to determine if a unit (s) qualifies for potential participation, such preliminary inspections may not be considered as substitutions for required initial inspections that may result from the submission of a Request of Lease Approval.

PV-§1.05 Required Actions After Completed Inspections

1. Initial Inspections

The following requirements apply to results of inspections performed in connection with an initial RFTA Tenancy. If the inspector has questions about the adequacy of certain items, these issues will be discussed with the family.

- a. If the Housing Agency's inspection reveals that the unit meets the applicable HQS criteria, the Housing Agency may proceed with the other necessary determinations, such as rent reasonableness, preparation of HAP Contract and approval of lease, etc. The Section 8 Housing Representative shall notify the owner and family of the inspection results and may send the family a copy of the completed form.
- b. If the Section 8 Inspection reveals HQS violations, the Housing Agency shall notify the owner and the family that the unit may not be leased under the program until all deficiencies is corrected. A written list of the deficiencies will be forwarded to both the owner and the family with a prescribed time period for corrective action (10 ten calendar days unless there are extenuating circumstances).
- c. At the time of re-inspection of the failed unit the Section 8 Inspector will re-inspect all those items that were cited in the original deficiency notice. Should the unit pass the re-inspection the Section 8 Inspector will document the file accordingly and promptly notify the Housing Representative of the need to precede with the other required lease-up activities? Should the unit fail the re-inspection the owner and family will both be notified that the unit will not be re-inspected under the initial RFTA and that the family is to continue their search?
- d. Neither the family nor the owner is entitled to an informal review of the decision to fail the unit for non-compliance with the HQS.

2. Annual Inspections

If the occupied unit fails HQS; or is otherwise not in compliance with any other provisions of the HAP Contract, the Section 8 Inspector will immediately notify the owner of the deficiencies, in writing. It is not the responsibility of the Section 8 Housing Inspector to prepare detailed repair specifications. The notice will describe the deficiencies which are in violation of the HQS and

require that the conditions be corrected within a time period specified by the Section 8 Inspector to be determined by the Housing Agency as follows:

- a. If there are serious deficiencies that present an immediate danger to the health and safety of the family, (e.g., exhaust fumes from heating system) the Housing Agency requires the owner or tenant (to be determined by the Inspector) abate the hazardous condition within not more than 24 hours. If the owner/tenant does not take the required actions within the 24-hour time period, assistance payments will be abated until such time as the owner/tenant corrects the deficiencies.

In the event the "emergency" repairs are not completed within a maximum of 72 hours (or less if so prescribed by the Housing Agency) the contract will be terminated.

If the repairs to be made by the owner/tenant are made within the prescribed time frame the HAP will resume as of the date the deficiencies are fully corrected. The Housing Agency will not make payments for the period the unit was not in compliance and the owner/tenant had been notified, in writing, of the start of the abatement period.

- b. If there are other deficiencies that do not affect the health and safety of the occupants, a determination of whether the owner or the tenant's family must make the repairs will be made. In either case, the owner or tenant must correct the items within 30 days or less.

The time period for corrective action will be specified in the Housing Agency's notice to the owner, and such time frame will be dependent upon the type, nature, extent of the repairs to be made.

- c. If the owner or tenant does not take the required corrective action within the specified time period, the Housing Agency will determine if an extension of time is warranted depending upon the nature of the required work and any extenuating circumstances.

If an extension is not granted, the Housing Agency will either abate the housing assistance payments or terminate the HAP Contract.

- d. If the HAP Contract is terminated, the Housing Agency will determine whether to reissue the family's voucher. If the unit deficiencies, which resulted in the termination of HAP were tenant caused the family may be terminated from the program.

If the owner fails to make any owner-required repairs and the owner has a history

of HQS non-compliance the owner may be barred from future/continued program participation.

- e. During the period when payments have been abated, the Housing Agency will apprise the tenant of its responsibility to pay its share of rent to the owner and will advise the owner that abatement of the HAP is not grounds for termination or other adverse action against the family.
- f. Section 8 Housing Representatives will re-inspect the unit to ensure that all HQS deficiencies have been corrected (a) as of the date of the scheduled inspection, and (b) prior to approval of any annual or special rent adjustment.

Special Complaint Unit Inspections

If problems similar to those discussed in the preceding sections are disclosed during a special unit inspection (e.g., performed as a result of a complaint from the family, owner, or other source), the same steps shall be taken by the Housing Agency, as outlined in the sections above, as appropriate.

If an annual or special inspection reveals that a unit or building has serious or life-threatening deficiencies, the Housing Agency will re-inspect other units in the building leased to Section 8 assisted families, even though annual inspections of these units are not yet required.

3. Inspections Which Reveal Tenant Non-compliance

If an annual or special inspection reveals that a unit is no longer in a decent, safe, and sanitary condition according to the applicable HQS criteria because of the tenant's lack of maintenance, the tenant is responsible for taking appropriate action to correct deficiencies. In addition to notifying the tenant, in writing, of any deficiencies and corrective action required, the Section 8 Housing Representative shall also advise of the possible consequences of non-compliance. If the owner or Housing Agency is unable to get compliance from the family, the Housing Representative shall either abate the HAP payments or terminate the HAP Contract and the family's housing voucher. If the family remains in occupancy the family will become responsible for the full payment of the rent and the *assisted lease agreement* shall automatically terminate.

PV-§1.06 Termination of Payments and Contracts

If the Housing Agency finds the owner or tenant in continued non-compliance with the HQS both parties will be sent advance written notice of abatement of HAP and/or termination of the HAP contract.

When it has been determined that a unit fails to meet the HQS and the owner/tenant has failed to correct the failed items within the prescribed time frame, the housing assistance payment for the unit will be abated.

The abatement will continue until all failed items have been corrected or for 30 days from the date of abatement, whichever is the earlier.

The Housing Agency will re-inspect the abated units as soon as possible after the date of the owner's contact with the Housing Agency to report the completed work.

The abatement will end if it is confirmed at the re-inspection that all required repairs have been satisfactorily accomplished. Owner or tenant's failure to make required repairs during the abatement period will result in the issuance of the 30-day notice of termination.

While the termination notice is running the abatement will remain in effect. Once the HAP Contract is terminated it will not be reinstated for the same family, at the same unit.

The participating family will be reissued a Voucher to allow for a move with continued assistance if the HQS non-compliance was solely related to the owner's failure to act.

If the repairs are completed before the effective date of the termination, the termination notice can be rescinded if the tenant chooses to stay in the unit.

for determinations involving administrative discretion, general policy issues or class grievances, utility allowance schedules, refusal to extend or suspend a voucher term, refusal to approve a new lease, noncompliance with the HQS, or exercising or not exercising any right or remedy against the owner under the HAP contract. [24 CFR §982.555(b)]

PY-§1.00 Informal hearing for participant (24 CFR §982.555)

When hearing is required:

1. The Municipality of Hormigueros Housing Agency will give a participant's family an opportunity for an informal hearing to consider whether the following PHA decisions relating to the individual circumstances of a participant's family are in accordance with the law, HUD regulations and PHA policies:
 - a. A determination of the family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
 - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.
 - c. A determination of the family unit size under the PHA subsidy standards.
 - d. A determination that a voucher program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards, or the PHA determination to deny the family's request for an exception from the standards.
 - e. A determination to terminate assistance for a participant family because of the family's action or failure to act (see §982.552).
 - f. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.
2. In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA will give the opportunity for an informal hearing before the PHA terminates housing assistance payments for the family under an outstanding HAP Contract.

Notice to Family:

1. In the cases described in paragraphs (a)(1) (i), (ii) and (iii) of this section, the PHA will notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
2. In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA will

give the family prompt written notice that the family may request a hearing. This notice will:

- Contain a brief statement of reasons for the decision.
- State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
- State the deadlines for the family to request an informal hearing.

Expeditious hearing process:

Where a hearing for a participant's family is required under this section, the PHA will proceed with the hearing in a reasonably expeditious manner upon the request of the family. (i.e., 3-5 working days)

Participant's Hearing procedure:

1. *Discovery*

- a. By family. The family will be given the opportunity to examine before the PHA hearing any PHA documents that are directly relevant to the hearing. The family will provide requested copies at the cost of five cents per page payable in cash at the office of the Central Administrative Office of the Municipality of Hormigueros Housing Agency. If the PHA does not make the document available for examination on request of the family, the Municipality of Hormigueros Housing Agency may not rely on the document at the hearing.
- b. By PHA. The HA hearing procedures do provide that the PHA must be given the opportunity to examine at PHA offices before the PHA hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.
- c. Documents. The term "documents" includes records and regulations.

2. *Representation of family.* At the family's own expense, the family may be represented by a lawyer or other representative.

3. *Hearing officer: Appointment and Housing Agency.*

- The hearing may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.
- The person who conducts the hearing may regulate the conduct of the hearing in

accordance with the PHA hearing procedures.

4. *Evidence.* The PHA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
5. *Issuance of decision.* The person who conducts the hearing must issue a written decision(s), stating briefly the reason(s) for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished within seven (7) working days to the family.

Effect of Decision. The PHA is not bound by a hearing decision:

1. Concerning a matter for which the PHA is not required to provide an informal hearing under this section, or that otherwise exceeds the Housing Agency of the person conducting the hearing under the PHA hearing procedures.
2. Contrary to HUD regulations or requirements, or otherwise contrary Federal, State, or Local laws.

If the PHA's general counsel determines that it is not bound by a hearing decision, the general counsel must notify the family within seven (7) working days of the determination, and of the reasons for the determination.

**Z. USE OF SECTION 8 VOUCHERS FOR WITNESS RELOCATION PURPOSES
[P.L. 104-134, 110 Stat. 1321]**

Section 8 Rental Vouchers designated by HUD for the exclusive purpose of providing for families who have cooperated as witnesses in efforts to combat crime in public, Indian, and other assisted housing, including Section 8 Tenant-Based assisted housing, will be assigned consistent with the policies and procedures prescribed in HUD Notice 96-83.

The Municipality of Hormigueros Housing Agency may utilize its own voucher funding for this same purpose on a case-by-case basis upon approval of the HUD Regional office.

In all such instance, the Municipality of Hormigueros Housing Agency may maintain the tenant's files of these families separate from the remaining tenant files and under a fictitious name to ensure the confidentiality and security of all such families. These files may be maintained in the office of the Manager or the Office of General Counsel of the Municipality of Hormigueros Housing Agency.

AA. USE OF SECTION 8 ASSISTANCE TO PROMOTE HOMEOWNERSHIP

Section 8 Housing Choice Voucher assistance may be utilized to promote homeownership opportunities under a Lease-Purchase Agreement (LPA), upon approval of the board of Housing Authority to adopt a Section 8 Homeownership Program.

The LPA is an agreement between an owner and tenant of a rental unit that gives the tenant the opportunity to purchase. The owner may offer either an option or an obligation to purchase.

The Housing Representative must review the LPA for:

- Same required provisions as for any assisted tenancy; and
- Reasonableness of rent in comparison to the rent for other comparable, unassisted units. For this purpose, comparable rent may not include any value or incremental increase for tenant's right to purchase. The rent to owner must be comparable to units without an LPA. Additionally, the tenant may not pay any amount in excess of the established tenant's rent to the owner as a condition of occupancy under the LPA.

Approval of the unit, the lease, and the lease terms will be made in accordance with the normal program requirements, including HQS.

Section 8 assistance terminates when the family takes title to the unit.

BB. CONDUCT OF ANNUAL SURVEY OF UTILITY SUPPLIERS

The Municipality of Hormigueros Housing Agency will undertake an annual survey of local utility suppliers. Said survey will establish the need to retain, increase and/or decrease tenant allowances based on a review of area rates and consumption.

The survey results will be formatted and submitted to the Municipality of Hormigueros Housing Agency Board of Housing Agency with staff's recommendation.

Whether the allowances remain the same or change, an allowance schedule will be published with a current date.

CC. EQUAL OPPORTUNITY REQUIREMENTS

The Housing Agency will administer its programs in a non-discriminatory manner. The Housing Agency shall not provide disparate services or treatment to any applicant, participant or owner based upon *race, color, creed, national origin, sex, handicap, or familial status*. The Housing Agency shall comply with all applicable provisions of federal, state and local fair housing laws. Further, the Housing Agency affirms its ongoing compliance with non-discrimination requirements governing assisted housing. [24 CFR §1 and 24 CFR §8]

DD. EXPENDITURES FROM OPERATING RESERVE

A budget is prepared by the Housing Agency for expenditures from the Operating Reserve (Section 8 administrative fees from prior years) for other housing purposes each fiscal year and approved by the Board of Housing Agency.

EE. SEVERABILITY

If any rule, section, sentence, clause or phrase of the rules and regulations or its application to any person or circumstances or property is held to be unconstitutional or invalid, the remaining portions of these rules and regulations or the application of these rules and regulations to other persons or circumstances or property shall not be affected. The Housing Agency hereby declares that it would have adopted these rules and regulations, and each and every rule, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the other rules, sections, sentences, clauses, or phrases is declared unconstitutional or invalid.

FF. REPAYMENT POLICY AND PROCEDURE

Repayment Agreements may be used to modify the terms (periodic amount and timing) of delinquent amounts owed. The circumstances under which repayment agreements are acceptable are under the discretion of the Section 8 manager as long as the family meets the basic eligibility requirements, as stated below, for a repayment agreement. The Section 8 manager is cautioned against the indiscriminate use of these agreements as they can become an obstacle to timely collection of monies due and owing the Housing Agency.

PFF-§1.00 Purpose of Repayment Agreement

A repayment agreement sets up an legally binding agreement between a delinquent tenant and the Municipality of Hormigueros Housing Agency under which the tenant agrees to pay current rent

and charges plus a fair amount each month toward delinquent rent or charges until the delinquency is repaid in full.

The Municipality of Hormigueros Housing Agency, for its part, agrees not to terminate the lease of the delinquent tenant for nonpayment unless the tenant breaks the terms of the repayment agreement.

PFF-§1.01 Eligibility to Enter into a Repayment Agreement

A tenant is eligible to execute a repayment agreement when all of the following conditions are met:

1. No other repayment agreement is in force,
2. Any repayment agreements executed within the past 12 months have been fully satisfied in the manner prescribed by the agreement,
3. The tenant has not been delinquent 3 times within the preceding 12 month period,
4. The repayment agreement is requested within the 14 day delinquency remedy period which is concurrent with the running of the 14-day notice (this requirement may be waived if the tenant can prove that he/she was physically incapable of requesting this agreement during this period of time through no fault of his/her own),
5. The tenant is not under any actual or pending eviction proceeding,
6. There are no carryover balances from the previous month, and
7. The reason for the request for the repayment agreement is valid and is fully substantiated and documented.

Generally, these agreements should be restricted to clear cases of hardship (e.g., death in the immediate family, serious illness of tenant/lease holder, lost or stolen benefit check/paycheck, an unexpected Municipality of Hormigueros Housing Agency charge that exceeds the tenant's ability to pay in one sum). The Section 8 supervisor shall document the reason for granting each request for a repayment agreement.

PFF-§1.02 Terms of Repayment Contracts

The maximum duration of any repayment agreement that the Section 8 manager may approve shall be 12 months, inclusive of the month in which the down payment is made. The terms of all Municipality of Hormigueros Housing Agency repayment contracts shall be as follows:

Balance Due

Payment Due

\$26-\$100	\$25 down and \$25 per month
\$101-\$500	25% down and balance within 11 months with minimum payment of \$35/month
\$501-\$1000	25% down and balance within 11 months with minimum payment of \$50/month
\$1001+	25% down and balance within 11 months with minimum payment of \$75/month

When the down payment required exceeds \$125, the Section 8 supervisor may approve arrangements resulting in the payment of the portion that exceeds \$125 in equal installments over a two-month period.

PFF-§1.03 Preparation to Negotiate a Repayment Agreement

The Section 8 supervisor will conduct a file review before meeting with the tenant to determine whether the tenant's rent was computed correctly, whether the tenant is entitled to some interim reduction in rent not yet granted, whether the tenant utility allowance schedule has been reviewed within the past year as required by HUD regulations (24 CFR, Part 965), or whether the tenant might be entitled to a rent abatement because of documented conditions hazardous of life, health or safety.

Any of these situations might reduce or alter the amount delinquent (or eliminate the delinquency) so all these possibilities must be checked before meeting with the tenant. If any of these conditions are present and warrant a reduction in the amount of rent or charges due, an adjustment is to be made and any resulting rent credit shall be applied retroactively to the time that the circumstances arose.

The Section 8 supervisor's file review should also include an examination of the tenant's payment history, any pending eviction actions, special circumstances and income. The Section 8 supervisor should be thoroughly familiar with the specific tenant's circumstances and be able to fully document the tenant's eligibility and sufficiency of justification for a repayment agreement.

PFF-§1.04 Negotiating a Repayment Agreement

Once the Section 8 manager has determined that the tenant is eligible the parties will meet to address the terms of the agreement. The primary topics for the negotiation are the down payment and the amount of the subsequent monthly payments under the agreement. The negotiation shall be carried out in a professional and non-threatening manner.

The Section 8 supervisor should attempt to shorten the duration of the agreement by seeking the largest down payment and subsequent monthly payments that the tenant can afford. Under no circumstances may the Section 8 manager agree to a term that is in excess of 12 months or which requires a down payment of less than what is specified by the Municipality of Hormigueros

Housing Agency policy.

The Section 8 supervisor shall emphasize to the tenant that the repayment agreement being negotiated must be paid off in full and in accordance with the terms before the tenant can be considered for any other repayment agreement. The Section 8 supervisor should also inform the tenant that failure to abide by the terms of the agreement will be grounds for termination of rental assistance for amounts due and owing the Housing Agency.

PFF-§1.05 Executing the Repayment Agreement

When the terms of the Agreement have been settled, the Section 8 Housing Representative will complete the Repayment Agreement for approval and signature of the Section 8 supervisor. The form will then be explained to the tenant and both parties will sign it in the appropriate places. Two copies of the executed Agreement will be made and given to the tenant. The supervisor will place the original of the agreement in the tenant's file.

The Section 8 supervisor shall provide accounting with the pertinent information from all executed repayment agreements.

GG. FAMILY SELF-SUFFICIENCY ENROLLMENT

The Municipality of Hormigueros Housing Agency will enroll families as required and consistent with 24 CFR §984.105 in the Family Self-Sufficiency Program (FSS), to promote the development of local strategies, integrate programs, and coordinate public and private resources to enable low-income families to achieve economic independence and self-sufficiency.

Under the FSS Program, participating families will enter into contracts with the Municipality of Hormigueros Housing Agency to set forth the resources for education, job training, counseling and other forms of assistance while living in assisted housing.

The FSS program will limit the increase in rent payable by very low-income families due to increases in earned income. The excess will be used to fund an escrow savings account that is available to the family upon successful completion of the program.

TABLE OF CONTENTS

**SAMPLE FORMATS FOR OBTAINING WRITTEN OR ORAL THIRD PARTY
VERIFICATIONS**

APPENDICES:	Page #
A. Employment Income	A2
B. Military Employment	A3
C. Social Security, Pensions, SSI, SSD	A4
D. Unemployment Compensation	A5
E. Public Assistance	A6
F. Alimony or Child Support	A7
G. Net Income From a Business	A8
H. Regularly Recurring Cash Contributions	A8
I. Family Assets (Current)	A11
J. Family Assets Disposed of For Less than FMV	A11
K. Income from Sale of Property Pursuant to a Purchase Money Mortgage or Similar Arrangement	A11
L. Rental Income from Property	A12
M. Full-Time Student Status	A12
N. Child Care Expense	A12
O. Medical Expenses	A13
P. Need for A Larger Unit Due to Handicap	A14
Q. Handicapped Assistance Expense	A14
R. Family Type and Membership in Family	A14
S. Local Preferences	A15
T. Handicap/Disability Status	A21
U. Citizen/Eligible Immigrant Status	A22
V. Required Warning Statement for Each Verification Form	A24

Appendix 1: Sample formats for obtaining written and/or oral third party verifications

A. Employment Income.

1) Relevant Information to Verify with Third Party:

a) Nonmilitary employment

(1) Date first employed

(2) BASE PAY RATE (Gross) (check one)

Per Hour \$_____; OR per Week \$_____ OR
Per Month \$_____.

Date present rate effective _____

Expected Average Hours to be worked during next 12 calendar months at Base Pay Rate:

Per Week _____ or Per Month _____.

(3) OVERTIME PAY RATE

Per Hour \$_____

Expected average number of hours to be worked per week during next twelve calendar months _____ hours.

(4) OTHER COMPENSATION NOT INCLUDED ABOVE
(Specify for Housing Agency's, bonuses, tips, etc.)

FOR _____ \$ _____
Per _____

(5) TOTAL Anticipated Base Pay Earnings for the next 12 calendar months

TOTAL Anticipated Overtime Earnings for the next 12 calendar months

(6) Medical Insurance Premium Deducted (if any) (Currently, applicable to elderly families only)

- (7) Has Employment been terminated? ___Y ___N
If Yes, Is Individual Eligible for Unemployment Benefits?

B. Military Employment

- (1) Years _____ and months _____ of service for pay purposes.
Number of Dependents Claimed _____

- (2) Monthly Income from the following sources:

Base Pay and Longevity Pay

Proficiency Pay

Sea and Foreign Duty Pay

Hazardous Duty Pay

Imminent Danger Pay

Subsistence Allowance

Quarters Allowance (Include only amount contributed by
Government)

Other (Explain)

TOTAL AMOUNT RECEIVED MONTHLY \$ _____

- 3) Acceptable forms of verification include:

- a) Employment verification form completed by the employer verifying frequency of pay; effective date of the last pay increase; and probability and effective date of any increase during the next 12 months.
- b) Check stubs or earning statements showing employee's gross pay per pay period and frequency of pay.
- c) W-2 forms if applicant has had the same job for at least two years and pay increases can be accurately projected.
- d) Notarized statements, affidavits or income tax returns signed by the applicant describing self-employment and amount of income or income from tips and other gratuities.

- 4). Date Employment Terminated:

- 5) Relevant Information to Verify with Third Party:
 - a) Date of Hire
 - b) Date of Termination
 - c) Last Day Actually Worked
 - d) Do you anticipate rehiring this employee? If, Yes, when
 - e) Will the employee receive additional paychecks for Workman's Compensation? If YES, provide the name and address of the company through which this can be verified.
 - f) Is employee eligible for unemployment benefits?
 - g) Total Severance Pay Anticipated for the next 12 months.

- 6) Acceptable forms of verification
 - a) Termination of employment verification
 - b) Letter from employer stating date of termination.
 - c) Letter from a Housing Agency providing unemployment compensation stating that the individual's employment terminated and that unemployment benefits will begin.

C. Social Security, Pensions, Supplementary Security Income (SSI), Disability Income.

This paragraph is not suggesting that Section 8 Housing Representatives group verifications of these different sources of income into one verification. Section 8 Housing Representatives may have to adapt the questions, depending on the source of income being verified. This paragraph provides suggestions on the types of questions that are appropriate to ask a third party.

NOTE: HUD anticipates that the Social Security Administration will be terminating its third party verification service in 1996. Until this happens, the Housing Agency will continue to use a third party verification that is acceptable by the Social Security Administration.

- 1) Relevant Information to Verify with Third Party:
 - a) Name of Original Annuitant
 - b) Pension Claim Number or SSN of Person Receiving the Pension Claim
 - c) Current monthly gross amount of pension or annuity
 - d) Deductions from gross for medical insurance premiums

- e) Date benefits began
- f) Effective date of current amount
- g) For annuities, ask: Did the individual invest in an annuity? If yes, what is the amount invested? Does the individual receive regular payments? When are they received (monthly, annually)?
- h) For pensions and annuities, ask: Is the individual reimbursed for medical costs?
- i) For social security, ask: Has the monthly payment been reduced for overpayment of previous benefits? If so, by how much?

2) Acceptable forms of verification:

- a) Benefit verification form completed by Housing Agency providing the benefits.
- b) Award or benefit notification letters prepared and signed by the authorizing Housing Agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letters can't be obtained.)

D. Unemployment Compensation:

1) Relevant Information to Verify with Third Party:

- (a) Gross Weekly Payment
- (b) Sate of Initial Payment
- (c) Duration of benefits: ___ weeks
- (d) Is the claimant eligible for further benefits?
- (e) If No, what is the date the benefits are terminated?

2) Acceptable forms of verification

- (a) Verification form completed by the unemployment compensation Housing Agency.
- (b) Records form unemployment office stating payment dates and amounts.

E. Public Assistance:

1) Relevant Information to Verify with Third Party:

- (a) Number of Members in the Family
- (b) Names of the children for whom benefits are received and their social security numbers
- (c) Date of Initial Assistance
- (d) Is recipient covered by Medicaid? If yes, what is the Medicare spend down amount?
- (e) Does the recipient meet his/her spend down each period?
- (f) What is the Rate per month under the following grant?
- (g) Aid to Families with Dependent Children
 - (ii) General Assistance
 - (iii) Supplemental Social Security
 - (iv) Other Assistance - Type TANF
- (h) The following question applies only to "as-paid" states only: Amount Specifically Designated for Shelter and Utilities (This is the Maximum allowance for Rent and Utilities)
- (i) The Grant is increased by the following Amounts: (Specify purpose)
 - Employment income \$ _____
 - Childcare allowance \$ _____
 - Transportation \$ _____
 - Other _____ \$ _____
- (j) The grant is reduced by the following amounts:
 - Alimony \$ _____
 - Child Support \$ _____
 - Other (specify) \$ _____
- (j) Is there any thing else that will influence the amount of the grant? If yes, specify purpose and amount.

(k) Has the monthly payment been reduced for Overpayment of previous benefits? If so, by how much?

(l) TOTAL MONTHLY GRANT \$ _____

2) Acceptable forms of verification

a) All Welfare Programs. Welfare Housing Agency's written statements as to type and amount of assistance family is now receiving, and any changes in assistance expected during the next 12 months.

b) Additional Information for As-Paid Programs:

Welfare Housing Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount a family may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the client's grant.

F. Alimony or Child Support Payments:

1) Relevant Information to Verify with Third Party:

a) Amount of alimony or child support being provided to the family

b) Will such amounts be terminated within the next 12 months? If so, when?

2) Acceptable forms of verification

a) Copy of a separation or settlement agreement or divorce decree stating amount and type of support and payment schedules

b) A letter from the person paying the support.

c) Copy of latest check. PHA must record the date, amount, and number of check.

d) Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

G. Net Income from a Business. The following documents show income for the prior years. Housing Representatives must consult with tenants and use this data to estimate income for the next 12 months.

- 1) IRS Tax Return, Form 1040, including any:
 - a) Schedule C (Small Business)
 - b) Schedule E (Rental Property Income)
 - c) Schedule P (Farm Income)
- 2) An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)
- 3) Audited or unaudited financial statement(s) of the business.
- 4) Loan Application listing income derived from the business during the previous 12 months.
- 5) Applicant's notarized statement or affidavit as to net income realized from the business during the previous years.

H. Recurring Gifts. Acceptable forms of verification.

- 1) Notarized statement or affidavit signed by the person providing the assistance. It must give the purpose, dates and value of gifts.
- 2) Applicant's notarized statement or affidavit that provides the purpose, dates and value of gifts.

I. Family Assets Now Held.

- 1) Relevant Information to Verify with Third Party:

For non-liquid assets, collect enough information to determine the current cash value--the net amount the family would receive if the asset were converted to cash.

- a) Type of Account
- b) Current balance or, for checking accounts, the average balance for the-last 6 months

- c) Date account opened
 - d) Date account closed
 - e) Is this an interest bearing account? If so, what is the interest-rate?
 - f) For trust funds:
 - (i) What is the value of the trust fund?
 - (ii) What is the anticipated amount of income to be earned by the trust over the next 12 months?
 - g) For property, what is the equity value?
- 2) Acceptable forms of verification
- a) Verification forms, letters, or documents from a financial institution, broker, etc.

NOTE: When financial institutions charge a fee to the applicant or tenant for providing verifications, the forms of verification in paragraph (b) below would be the preferred method.

- b) Account statements, passbooks, broker's quarterly statements showing value of stocks or bonds, etc., and the earnings credited the applicant account statements, or financial statements completed by a financial institution or broker.

NOTE: The PHA must adjust the information provided by the financial institution to project earnings expected for the next 12 months.

- c) Quotes from a stockbroker or realty agent as to net amount family would receive if the liquidated securities or real estate.
- d) Copy of IRS Form 1099 prepared by the financial institution showing the amount of income provided by the asset.
- e) Real estate tax statements if tax Housing Agency uses approximately market value.
- f) Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the individual.

- g) Appraisals of personal property held as an investment.
- h) Applicant's notarized statements or signed affidavits describing assets or to verify cash held at the applicant's home or in safe deposit boxes

J. Asset Disposed of For Less than Fair Market Value During Two Years Preceding Effective Date of Certification or Re-certification. Suggested information to obtain, as acceptable forms of verification are included below:

- 1) Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding effective date of the certification or re-certification.
- 2) If the family certifies that they did dispose of assets for less than fair market value--a certification that shows:
 - a) All assets disposed of for less than fair market value;
 - b) The date they disposed of the assets;
 - c) The amount the family received; and
 - d) The assets' market value at the time of disposition.

K. Income from Sale of Real Property Pursuant to a Purchase Money Mortgage, Installment Sales Contract, or Similar Arrangement. The following provides suggested information to verify with a third party and acceptable forms of verification:

- 1) A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the applicant is NOT sufficient since appropriate breakdowns of interest and principal are not included.)
- 2) Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

L. Rental Income from Property Owned by Applicant/Tenant. The following provide suggested information to verify with a third party and acceptable forms of verification:

- 1) IRS Form 1040 with Schedule E (Rental Income).
- 2) Copies of latest rent checks, leases, or utility bills.
- 3) Documentation of applicant's/tenant's income and expenses in renting the property

(tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or Amortization schedules showing monthly interest expense.)

- 4) Lessee's written statement identifying monthly payments due the applicant and applicant's affidavit as to net income realized.

M. Full-Time Student Status. The following provides suggested information to verify with a third party and acceptable forms of verification.

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

N. Child-Care Expenses. The following provides suggested information to verify with a third party and acceptable forms of verification:

- 1) Written verification from the person who receives the payments.
- 2) Verifications must specify the hours and days during which the care is provided, the names and ages of the children cared for, and the frequency and amount of compensation received. (Section 8 Housing Representatives should recognize that child care costs may be higher during summer and holiday recesses.)

NOTE: Housing Representatives should ask the verifying party to indicate children age 12 or younger.

- 3) Applicant's certification as to whether any of those payments have been or will be reimbursed by outside sources.

NOTE: Housing Representatives may wish to use separate verification consents for childcare and disability/handicap care

O. Medical Expenses. The following provide suggested information to verify with a third party and acceptable forms of verification:

- 1) Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, etc., of:
 - a) The estimated medical costs to be incurred by the applicant and of regular

payments due on medical bills; and

- b) The extent to which those expenses will be reimbursed by insurance or government Housing Agency.
 - c) Whether the provider accepts Medicare assignment.
- 2) The insurance company's or employers written confirmation of health insurance premiums to be paid by the applicant.
 - 3) Social Security Administration's written confirmation of Medicare premiums to be paid by the applicant over the next 12 months.
 - 4) For attendant care:
 - a) Doctor's certification that the assistance of an attendant is medically necessary.
 - b) Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family (or copies of canceled checks the family used to make those payments).
 - c) Applicant's certification as to whether any of those payments have been or will be reimbursed by outside sources.
 - 5) Receipts, canceled checks, or pay stubs that indicate health insurance premium costs, etc., that verify medical and insurance expenses also likely to be incurred in the next 12 months.
 - 6) Copies of payment agreements with medical facilities or canceled checks that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
 - 7) Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. Section 8 Housing Representatives may use this approach for "general medical expenses", such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

P. Need for Larger Unit because of Physical or Mental Disability or Handicap: A health care provider (that is deemed a reliable source) must certify that such a unit is necessary because of a disability or handicap. As a routine practice, Section 8 Housing Representatives should accept

the recommendation of the individual as to which health care provider can provide this information.

Q. Disabled/Handicap Assistance Expense:

- 1) Attendant Care:
 - a) Attendant's written certification as to: amount received from the applicant/tenant; frequency of receipt; hours of care provided; and/or copies of canceled checks applicant/tenant used to make those payments.
 - b) Family's written certification as to whether they receive reimbursement for any of the attendant care expenses and the amount of any reimbursement received.
- 2) Auxiliary Apparatus: Receipts for purchases of, or evidence of monthly payments for, auxiliary apparatus.
- 3) In all Cases:
 - a) As routine practice, Section 8 Housing Representatives should accept the individual's written statement that an auxiliary apparatus or attendant care is necessary for employment. If the PHA determines that verification is necessary in a particular case, the PHA should obtain written certification from a health care provider (that is deemed a reliable source) or a rehabilitation Housing Agency that the disabled/handicapped family member requires the services of an attendant or the use of auxiliary apparatus to permit the disabled/handicapped family member to be employed or to enable another family member to be employed. This paragraph follows established practices regarding individuals' requests for reasonable accommodations where the PHA relies on the individual to determine what is needed.
 - b) Family's written certification as to whether they receive reimbursement for any of the auxiliary apparatus expenses and the amount of any reimbursement received.

R. Family Type and Membership in Family:

- 1) For elderly household where the Head, Co-Head or Spouse is 62 years of age or older--Verification of age may be provided by:

- a) Copy of a birth certificate, baptismal certificate, census record, official record of birth or other authoritative document or
 - b) Receipt of SSI Old Age benefits or Social Security retirement benefits.
- 2) For Disability or Handicap (because the individual's eligibility for admission is dependent on his/her being a person with handicaps or disabilities or because the individual claims eligibility for allowances that are given to persons with handicaps or disabilities)

Verification of handicap/disability may be provided by:

- a) Receipt of Supplemental Social Security disability or Social Security disability benefits would provide verification that an individual met the HUD definition of disabled
- b) Certification by a health care provider (that is deemed to be a reliable source) that the individual meets the relevant definition of disabled or handicapped person.

Note: Any other request for information about the individual is not relevant and may not be asked (e.g., diagnosis; treatment plan).

- 3) For family membership of persons younger than age 18--verification of age may be provided by birth certificate, adoption papers and/or custody agreements.

S. Local Preferences:

1) **Involuntarily Displaced:**

- a) Relevant Information to Verify with Third Party:
 - (1) Date of Displacement or if displacement has not yet occurred, the anticipated date of displacement;
 - (2) The applicant will be involuntarily displaced if the applicant has vacated or will have to vacate his /her housing unit as a result of one or more of the following actions:
 - (i) A disaster, such as a fire or flood, has made the unit uninhabitable;
 - (ii) Code enforcement, public improvement or development

program activities by a U.S. Housing Agency or a State or local government body or Housing Agency;

- (iii) The owner/PHA has taken an action which forces this applicant to vacate the unit:

The action was beyond the applicant's ability to control or prevent;

The action occurred despite the applicant's having met all previously imposed conditions of occupancy and

The action was not a rent increase.

- (iv) The applicant has vacated a housing unit because of domestic violence or the applicant lives in a housing unit with a person who engages in domestic violence or has recently engaged in such violence. Provide the name of the person who engages in domestic violence.

NOTE: The applicant must certify that the person who engaged in such violence will not reside with the applicant family, unless the PHA has given advance written approval. If the family is admitted, the PHA may deny or terminate assistance to the family for breach of this certification.

Domestic violence means actual or threatened physical violence directed against one or more members of the applicant's family by a spouse or other member of the applicant's household. The violence must have occurred recently or is of a continuing nature.

- (v) Family members provided information on criminal activities to law enforcement Housing Agency and based on a threat assessment, a law enforcement Housing Agency recommends re-housing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.

- (vi) One or more members of the applicant's family are or recently have been the victim of one or more hate crimes and the applicant has vacated a housing unit because of such crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

Hate crime means actual or threatened physical violence or intimidation that is directed against a person or his or her property and that is based on the person's race, color, religion, sex, national origin, handicap, or family status.

- (vii) The current unit is inaccessible to a member of the family because:

A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit and

The current owner is not legally obligated to make the changes to the unit that would make critical elements accessible to the disabled person.

NOTE: It is most likely that two separate third parties would verify the above statements.

- (viii) Family will be displaced as a result of the sale of a HUD multifamily project.

2) Acceptable Forms of Verification

- (1) Displacement by disaster. Verification from a unit or Housing Agency of government that an applicant has been or will be displaced as a result of a disaster that result in the inhabitability of an applicant's unit.
- (2) Displacement by government action. Verification from a unit or Housing Agency of government that an applicant has been or will be displaced by activity carried on by an Housing Agency of the United States or by an State or local government body or Housing Agency in connection with code enforcement or a public improvement or development program.
- (3) Displacement by Private PHA action. Verification in a form prescribed by the Secretary, from an owner or owner's agent that an applicant had to or will have to vacate a unit by a date certain because of PHA action.
- (4) Domestic violence. Verification of displacement because of domestic violence from the local police department, social services Housing Agency, or court of competent jurisdiction, or a member of the clergy, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence.
- (5) Displacement to avoid reprisals. A threat assessment by law enforcement Housing Agency.

- (6) Displacement by hate crime. Verification by law enforcement Housing Agency or other reliable information.
- (7) Displacement by inaccessibility of unit. Verification by a health care professional that a family member has a mobility or other impairment that makes critical elements of the current unit inaccessible and statement by the current PHA that it is not legally obligated to make necessary changes to the unit to make it accessible.
- (8) Displacement by HUD disposition of multifamily project. Verification by HUD with respect to the disposition.

2) **Substandard Housing:**

a) Relevant Information to Verify with Third Party:

(1) The unit:

- is dilapidated because it:
- does not provide safe and adequate shelter, and endangers the health, safety, or well-being of a family, or
- have one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. (The defects may involve original construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure.)

INDICATE DEFECT:

Does not have operable indoor plumbing;

Does not have a useable flush toilet in the unit for the exclusive use of the family;

Does not have a useable bathtub/shower in the unit for the exclusive use of the family;

Does not have electricity, or has inadequate or unsafe electrical service;

Does not have a safe or adequate source of heat;

Should, but does not, have a kitchen or

Has been declared unfit for habitation by an Housing Agency or unit of government.

NOTE: Single Room Occupancy (as defined by 24 CFR 982.102) is not substandard solely because it does not contain sanitary or food preparation facilities or both.

OR

(3) **The applicant is a homeless family that:**

Lacks a fixed, regular and adequate night time residence and also has a primary night time residence that is:

a supervised publicly/privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing)

An institution that provides a temporary residence for individuals intended to be institutionalized or a public/private place not designed for, or ordinarily used for sleeping by human beings.

Homeless family does not include an individual imprisoned or otherwise detained pursuant to an Act or Congress or a State law.

b) Acceptable Forms of Verification

(1) Verification from a unit or Agency of city of government or from an applicant's present landlord that the applicant's unit is "substandard housing"

(2) In the case of a "homeless" family, a verification of this status from a public or private facility that provides shelter for such individuals, or from the local police department or social services agency.

3) **The family is experiencing an excessive *Rent Burden*** as evidenced by their paying more than 50% of gross monthly income for their monthly rent and utilities:

a) Relevant Information to Verify with Third Party:

RENT

(1) The applicant named above is paying \$ _____ for rent per ____

_____ . (Indicate whether weekly or monthly).

- (2) Has the applicant been paying this rent for less than 90 days? If yes, what is the amount the applicant was paying? (Indicate whether weekly, monthly)
- (3) Does the applicant pay separately for rent and utilities?

UTILITIES

The applicant named above is paying \$_____ in utilities per month.

The applicant pays on average \$ _____ per month based on the most recent 12 months. If information is not obtainable for the entire 12 months, then provide an average for the most recent period available \$_____

The applicant receives \$_____ per month under an energy assistance program. Was this included in the amount provided above?

b) Acceptable Forms of Verification

- (1) Income.
- (2) Rent. Verify the amount due to the family's landlord (or cooperative) under the lease or occupancy agreement.
 - (a) Contact the landlord (or cooperative) or its agent directly.
 - (b) Require the family to furnish copies of its most recent rental (or cooperative charges) receipts (which may include canceled checks or money order receipts) or a copy family's current lease or occupancy agreement
- (3) Utilities. Request the family to provide copies of the appropriate bills or receipts, or obtain the information directly from the utility or service supplier

T. Verification of *Handicap/Disability* Status

IMPORTANT: The verification should request the third party to identify any of the relevant definitions that apply to the individual. Any other request for information about the individual is not relevant (e.g., diagnosis; treatment plan)

- YES
NO
- 1) A person having a physical or mental impairment that:
- a. Is expected to be a long-continued and indefinite duration;
 - b. Substantially impedes the person's ability to live independently; and
 - c. Is such that the person's ability to live independently could be improved by more suitable housing conditions.

- YES
NO
- 2) A person with a physical impairment that:
- a. Is expected to be of long-continued and indefinite duration;
 - b. Substantially impedes the person's ability to live independently
 - c. Is such that the person's ability to live independently could be improved by more suitable housing conditions.

- YES
NO
- 3) the person has a disability as defined in

Section 223 of the Social Security Act: An inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.

NOTE: Receipt of veteran's disability benefits does not automatically qualify person as disabled, because the Veterans Administration and Social Security Administration define disabled differently. Applicants who meet Social Security's definition of disabled are considered disabled even if they do not receive Social Security benefits.

U. Citizen/Eligible Immigration Status

ALL members of household must sign a declaration stating whether they are:

- (i) *U.S. Citizen*
- (ii) *Eligible Non-Citizen*
- (iii) *Ineligible Non-Citizen*
- (iv) *Not Contending Eligibility*

Household members who claim eligible citizen status do not have to prove such status.

If any member of the household claims they are an **eligible non-citizen**, Occupancy Specialist must:

- (i) receive documentation to support such claim
- (ii) verify the claim with the U.S. *Immigration and Naturalization Service (INS)*

Acceptable forms of verification of *eligible immigration status* include:

Form I-551: *Alien Registration Receipt Card* (for permanent resident aliens). This form is sometimes called a resident alien card;

Form I-151: *Alien Registration Receipt Card* (for permanent resident aliens-**issued prior to 1979**). **This form will no longer be valid after March 20, 1996**, and it isn't listed on the declaration form that household members must return to you. HUD instructions state this form is acceptable documentation while it is still valid. No follow-up is required after the expiration date.

Form I-94: *Arrival-Departure Record*, marked with one of the following:

- : *Admitted as Refugee Pursuant to Section 207";*
- : *Section 208 or Asylum;*
- : *Section 243(h) or Deportation stayed by Attorney General;* or
- : *Paroled Pursuant to Sec.12 (d) (5) of the INA.*

Form 1-94: *Arrival-Departure Record*, **with none of the above words marked on it** but accompanied by one of the following documents:

- : A final court decision-granting asylum (with no appeal taken);

- : A letter from an INS asylum officer granting asylum (if the asylum application was filed on or after Oct. 1, 1990), or from an INS district director granting asylum (if the application was filed before Oct. 1, 1990);
- : A court decision granting withholding of deportation; or
- : A letter from an asylum officer granting withholding of deportation (if the application was filed on or after Oct-1, 1990).

Form I-688: *Temporary Resident Card*, which must be marked with the words *Section 245A or Section 210*;

Form I-688B: *Employment Authorization Card*, which must be marked with the words *Provision of Law 274a. 1 2(I 1) or Provision of Law 274a.12*;

A receipt issued by the INS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified.

- ! An original of the applicable INS document must be submitted to management for **each** household member claiming eligible non-citizen status to prove that they have such status.
- ! PHA/owner is to photocopy the original document and return it to household members.
- ! Housing Representative must also obtain a *signed verification consent form* that allows you to verify the claim of eligible *immigrant status* with the INS.

V. Required Warning Statement for Each Verification Form

Each verification form must include the following statement:

PENALTIES FOR MISUSING APPLICANT AND TENANT INFORMATION:

Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper use of information collected from the applicant or tenant. Any person, who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or tenant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or tenant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use.

Exhibit 1: Rent Reasonableness Methodology

Exhibit 2: Repayment Policy and Procedures

Exhibit 3: Income Types Policy and Procedures

Municipality of Hormigueros Housing Agency

Procedures and Methods of Third Party Verification, the lower level verification method imposes a higher burden of compliance of verification to program staff.

Upfront Income Verification (UIV)	Highest level of verification preferred
Written 3 rd Party	High level of verification preferred
Oral 3 rd Party	Medium level of verification preferred
Document Review	Medium-Low level of verification preferred
Tenant Self Declaration	Low level of verification preferred (use as last resort only)

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Self-Employment	Not Available	The Agency mails or faxes a verification form directly to sources identified by the family to obtain income information.	The Agency will call the source to obtain Income information.	The Agency will accept any Documents (i.e. tax returns, invoices and letters from customers) provided by the tenant to verify self-employment income. Note: The Agency will document in the tenant file, the reason third party verification was not obtained.	The Agency will accept a notarized statement or affidavit from the tenant that declares the family's total annual income from Self employment. Note: The PHA must document in the tenant file, the reason third party Verification was not available.
Social Security Benefits	Use of HUD Tenant Assessment System (TASS) to obtain current benefit history and discrepancy reports.	The Agency mails or faxes a verification form directly to the local SSA office to obtain social security benefit information. (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHA's to use TASS.)	The Agency will call SSA, with the tenant on the line, to obtain current benefit amount. (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHA's to use TASS.)	The Agency may accept an original SSA Notice from the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares monthly social security benefits. Note: The Agency will document in the tenant file, the reason third party verification was not available.

Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	The Agency mails, faxes or e-mails a verification Form directly to the local Social Services Agency to obtain welfare benefit information.	The Agency will call the local Social Services Agency to obtain current benefit amount(s).	The Agency will review the original award notice or printout from the local Social Services Agency provided by the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits. Note: The Agency will document in the tenant file, the reason third party verification was not available.
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Verification of Employment Income: The Agency must obtain as much information as possible about the employment, to include but not limited to; start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form.

Effective Date of Employment: The Agency must always confirm start and termination dates of employment.

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

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Assets	Use of cooperative agreements with sources to obtain asset and asset income information electronically, by mail or fax or in person.	The Agency mails, faxes, or emails a verification form directly to the source to obtain asset and asset income information.	The Agency will call the source to obtain asset and asset income information.	The Agency will review original documents provided by the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares assets and asset income. Note: The Agency will document in the tenant file, the reason third party verification was not available.
Comments	The Agency will make every available effort to secure wage, unemployment, and SSA information, the PHA should use the information as part of the reexamination process.	When the independent source completes the verification form(s) and returns the form(s) directly to the Agency. The tenant will not hand carry documents to or from the independent source.	The Agency will document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.		The Agency will use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful. Notarized statement will include a perjury penalty statement.

AVISOS Y SUBASTAS

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ESTADO LIBRE ASOCIADO DE PUERTO RICO
GOBIERNO MUNICIPAL DE GUAYAMA, PUERTO RICO
Oficina de la Secretaría de la Legislatura Municipal

AVISO DE APROBACION DE RESOLUCION

La Resolución 41, Serie 2009-2010, Intitulada "RESOLUCION AUTORIZANDO LA EMISION DE \$355,000 EN PAGARES DE OBLIGACION GENERAL MUNICIPAL DE 2009, DEL MUNICIPIO DE GUAYAMA, PUERTO RICO, Y PROVEYENDO PARA EL PAGO DEL PRINCIPAL DE Y DE LOS INTERESES SOBRE DICHS PAGARES", ha sido aprobada por la Legislatura Municipal el 16 de diciembre de 2009 y aprobada por el Alcalde el 17 de diciembre de 2009. Esta resolución entrará en vigor inmediatamente después de un término de diez (10) días a partir de la fecha de publicación de este Aviso de Aprobación.

Ninguna acción o recurso basado en la nulidad de tal resolución podrá ser planteado, ni la validez de la resolución o de cualesquiera de sus disposiciones, incluyendo las disposiciones para el pago de tales pagarés, ni la validez de los pagarés autorizados por tal resolución, podrán ser cuestionadas bajo ninguna circunstancia en cualquier tribunal, excepto en una acción o procedimiento iniciado ante un tribunal con jurisdicción dentro de los diez (10) días siguientes a la fecha de publicación de este Aviso de Aprobación.

Por disposición del Artículo 13 de la Ley Núm. 64 del 3 de julio de 1996, según enmendada, "Ley de Financiamiento Municipal de Puerto Rico de 1996".

Argelia Moret Colón
Secretaría de la Legislatura Municipal
Guayama, Puerto Rico

Estado Libre Asociado de Puerto Rico
Gobierno Municipal de Cataño

NOTA ACLARATORIA

Por error involuntario en el AVISO E INTENCION DE SOLICITAR LIBERACION DE FONDO A TODAS LAS AGENCIAS, GRUPOS Y PERSONAS INTERESADAS publicado el lunes, 11 de enero de 2010 se omitieron los siguientes proyectos:

- 08-FC-13-001 "Construcción de Aceras, Encintadas, Sistema Pluvial y la Conexión del Sistema Sanitario a la residencias Sector Calle Cucharillas, Bo. Palmas, Cataño, P.R. "Primera y Única Fase".
- 08-AB-13-001 "Reconstrucción del Área Recreativa en el Residencial Juana Matos, Carr. PR-5, Bo. Palmas de Cataño, "Primera y Única Fase".
- 08-AB-AR-13-001 "Mejoras sustanciales en la calle del Caño y La Calle Correa del Barrio Pueblo". Fase I de I

Hon. José A. Rosario Meléndez
Alcalde

MUNICIPIO DE HORMIGUEROS
Estado Libre Asociado de Puerto Rico

Honorable Pedro J. García Figueroa
Alcalde

AVISO PÚBLICO

El Municipio de Hormigueros invita al público en general y participantes del Programa de Sección "8" a emitir sugerencias y/o comentarios conducentes a la actualización del Plan de (5) Cinco Años para el año fiscal 2010-2015.

El Plan de (5) Cinco Años incluirá la misión del Municipio de Hormigueros para trabajar con las necesidades de las familias de ingresos bajos. Además, incluye las metas y objetivos que permitan al Municipio evaluar las necesidades de las familias identificadas con el Plan.

El Plan de (5) Cinco Años incluirá información y servicios que se ofrecen bajo el programa. En éste también se incluye la estrategia del Municipio para lidiar con los aspectos operacionales, las preocupaciones y necesidades de los participantes para el próximo año fiscal.

Se celebrará una vista pública el martes, 2 de marzo de 2010 a las 10:00 a.m. en el Teatro Juanita Arenas de Hormigueros cumpliendo con los 45 días establecidos en el (24 CFR 903 and PIH Notice 2008-41). El propósito de la Vista Pública es recopilar reacciones a las enmiendas propuestas en el Plan de (5) Cinco Años.

Para más información pueden visitar nuestras oficinas y/o comunicarse al (787) 849-4071.

En Hormigueros Puerto Rico, hoy miércoles, 13 de enero de 2010.

PEDRO JUAN GARCIA FIGUEROA
ALCALDE

ESTADO LIBRE ASOCIADO DE PUERTO RICO
MUNICIPIO AUTÓNOMO DE JUNCOS
APARTADO 1706
JUNCOS, P.R. 00777
Tel. (787) 734-0333
Fax (787) 734-0331
Tel. Fax (787) 734-3230

DEPARTAMENTO DE VIVIENDA Y SECCION 8

AVISO PUBLICO

El Municipio Autónomo de Juncos ha preparado el Plan de 5 años en conjunto con el Plan Anual del Programa de Sección 8 para el período 2010-2014 y el año fiscal 2010-2011, respectivamente. El borrador del Plan y todos los documentos asociados a éste se encuentran disponibles para ser examinados por el público en general, organizaciones sin fines de lucro y todos aquellos interesados, durante horas laborables a partir de la fecha de publicación de este aviso.

Las personas interesadas en emitir comentarios sobre el Plan, los podrán presentar personalmente o por escrito en la Oficina de Vivienda Municipal, localizada en:

Dirección Física: Centro Comercial del Valenciano
Ave. Las Flores C-15 R022
Juncos, PR 00777

Dirección Posta: Apartado Postal 1706
Juncos, PR 00777

El Municipio Autónomo de Juncos invita a la ciudadanía en general a participar del cierre de comentarios con la celebración de:

VISTA PUBLICA

Plan de 5 años 2010-2014 y Plan Anual 2010-2011
A llevarse a cabo en: Salón de Asambleas de la Casa Alcaldía

El martes, 9 de marzo de 2010 a las 10:00 am.

El lugar seleccionado para realizar ésta Vista Pública es de fácil acceso para personas con impedimentos físicos. De requerir asistencia especial, debe comunicarse a la Oficina de Vivienda Municipal y Sección 8, previo al día de la Vista, al siguiente teléfono (787) 734-0335.

Les invita
Hon. Alfredo Alejandro Carrión
ALCALDE

ESTADO LIBRE ASOCIADO DE PUERTO RICO
MUNICIPIO DE JUANA DÍAZ
Legislatura Municipal
Apartado 1409
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Fax (787) 837-2113
Legislator@sjdyc.com

AVISO DE APROBACION DE ORDENANZA

ORDENANZA NÚM. 034 SERIE 2009-2010

PARA ENMENDAR EL CODIGO DE ORDEN PUBLICO ÁREA RURAL Y ÁREA URBANA DE JUANA DIAZ.

COPIA CERTIFICADA DEL TEXTO COMPLETO DE ESTA ORDENANZA PODRÁ OBTENERSE EN LA OFICINA DE LA LEGISLATURA MUNICIPAL DE JUANA DIAZ, EN HORAS Y DÍAS LABORABLES, LUEGO DEL PAGO DE LOS DERECHOS LEGALES CORRESPONDIENTES.

DICHA ORDENANZA FUE APROBADA POR LA HONORABLE LEGISLATURA MUNICIPAL DE JUANA DIAZ, EL 15 DE DICIEMBRE DE 2009 Y APROBADA POR EL HONORABLE ALCALDE DE JUANA DIAZ, EL 16 DE DICIEMBRE DE 2009.

CARMEN L. VEGA GARCÍA SECRETARIA LEGISLATURA MUNICIPAL
LUZ L. BURGOS CASIANO PRESIDENTA LEGISLATURA MUNICIPAL

RAMÓN A. HERNÁNDEZ TORRES ALCALDE

NOTICE OF APPROVAL OF MUNICIPAL ORDINANCE

ORDINANCE NUM. 034 SERIE 2009-2010

TO AMMEND THE PUBLIC CODE IN THE RURAL AND URBAN AREAS OF THE CITY OF JUANA DIAZ.

CERTIFIED COPY OF THE FULL TEXT OF THIS ORDINANCE, MAY BE OBTAINED AT THE OFFICE OF THE MUNICIPAL LEGISLATURE OF JUANA DIAZ, DURING HOURS AND DAYS, THEN THE PAYMENT OF LEGAL RIGHTS FOR.

THIS ORDINANCE WAS APPROVED BY THE HONORABLE MUNICIPAL LEGISLATURE OF THE CITY OF JUANA DIAZ, PUERTO RICO, ON THE 15TH OF DECEMBER 2009, AND SIGNED INTO LAW BY THE HONORABLE MAYOR ON THE 16TH DAYS OF DECEMBER, 2009.

CARMEN L. VEGA GARCÍA SECRETARY MUNICIPAL LEGISLATURE
LUZ L. BURGOS CASIANO PRESIDENT MUNICIPAL LEGISLATURE

RAMÓN A. HERNÁNDEZ TORRES MAYOR

MUNICIPALITY OF HORMIGUEROS

Oficina de Programas Federales – Sección 8

Calle Mateo Fajardo #9

P.O. Box 97

Hormigueros, Puerto Rico 00660

Tel: (787) 849-4071

Fax: (787) 849-3722

HOJA DE ASISTENCIA

Vista Pública Plan De Cinco Años

Año Fiscal 2010-2015

Miércoles 3 de marzo de 2010

NOMBRE

Niriam Mates

RAMON VILA GUAN

MARILYN AROSTO

MARCO SALAS MORALES

LINDA TORRES

WANDA SOTO OLIVERA

ELSTON RAMIREZ

EDUARDO ALONSO MORALES

JOAQUIN MALDONADO ARIAS

ANGELICA THAYER SANDRA

ANA SOFIA REYES

MELISSA REYES GILLES

MARIA BEVERLY REYES

FIRMA

Niriam Mates

Ramon Vila Guan

Marilyn Arost

Marco Salas

Linda Torres

Wanda Soto

Elston Ramirez

Eduardo Alonso

Joaquin Maldonado

Angelica Thayer

Ana Sofia Reyes

Melissa Reyes

NUM. TELEFONICO

787-849-3371

(787) 849-2545

849-2545

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849-2515 (216 ext.)

939-645-5289

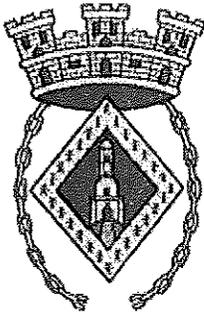
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787-373-8786

787-849-4071

787-615-4091

939-845-8594



MUNICIPIO DE HORMIGUEROS
Estado Libre Asociado de Puerto Rico

Honorable Pedro J. García Figueroa
Alcalde

Ms. Olga Sáez
Director
Public Housing Division
**U.S. DEPARTMENT OF HOUSING
& URBAN DEVELOPMENT**
Parque Las America I
Federico Costa #3 Suite 200
San Juan, Puerto Rico 00918

Dear Ms. Sáez:

**RE: Hormigueros PHA Plan - RQ-035
Five Year Plan (2010-2015)**

The Municipality of Hormigueros is submitting one (1) original: "hard copy" of above referenced plan, including the required original certifications, as well as other related documentation in compliance with the "The Quality Housing & Work Responsibility Act of 1998".

In this regard, this same documentation will be electronically transmitted to HUD's Mainland Office as per applicable regulations.

While every attempt was made to include any and all required information and/or documentation relating to this same submission, we stand ready and willing to provide your agency with any additional information and/ or documentation that you may require.

We continue to appreciate any courtesies that either you and / or your program staff may extend to us in this same matter.

Sincerely,

Pedro J. García Figueroa
Mayor
Municipality Of Hormigueros

Hormigueros: Corazón del Oeste

**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 Annual PHA Plan for the PHA fiscal year beginning 07/2010, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in 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.

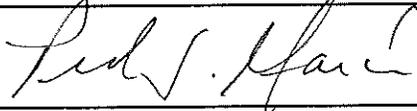
MUNICIPALITY OF HORMIGUEROS
 PHA Name

RO-035
 PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 2010 - 2015

Annual PHA Plan for Fiscal Years 20 - 20

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

Name of Authorized Official	Title
HON. PEDRO JUAN GARCIA FIGUEROA	MAYOR
Signature	Date
	4/12/2010

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

MUNICIPALITY OF HORMIGUEROS

Program/Activity Receiving Federal Grant Funding

HOUSING CHOICE VOUCHER PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

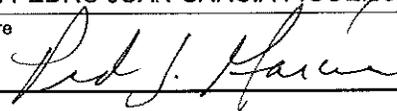
Name of Authorized Official

HON. PEDRO JUAN GARCIA FIGUEROA

Title

MAYOR

Signature

X 

Date

4/12/2010

form HUD-50070 (3/98)

ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

Certification of Payments to Influence Federal Transactions

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

Applicant Name

MUNICIPALITY OF HORMIGUEROS RQ-035

Program/Activity Receiving Federal Grant Funding

MUNICIPALITY OF HORMIGUEROS

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

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

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

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

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

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

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

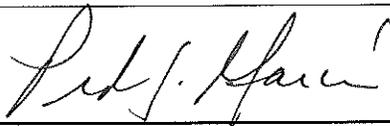
Name of Authorized Official

PEDRO J. GARCIA FIGUEROA

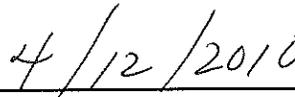
Title

MAYOR

Signature



Date (mm/dd/yyyy)



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, PEDRO JUAN GARCIA the MAYOR certify that the Five Year and
Annual PHA Plan of the MUNICIPALITY OF HORMIGUEROS is consistent with the Consolidated Plan of
PUERTO RICO prepared pursuant to 24 CFR Part 91.


_____ / 4/12/10

Signed / Dated by Appropriate State or Local Official

Civil Rights Certification

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

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of 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:

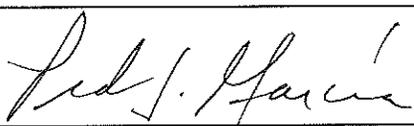
The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further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

MUNICIPALITY OF HORMIGUEROS

RQ-035

PHA Name

PHA Number/HA Code

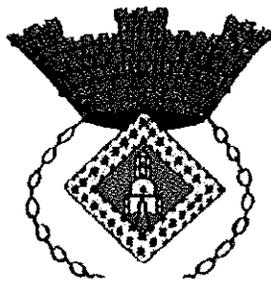
I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)	
Name of Authorized Official PEDRO J. GARCIA FIGUEROA	Title MAYOR
Signature 	Date 4/12/2010



**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

***BASIC FINANCIAL STATEMENTS, REQUIRED
SUPPLEMENTARY INFORMATION AND
INDEPENDENT AUDITORS' REPORT
(WITH ADDITIONAL REPORTS REQUIRED
UNDER THE OMB CIRCULAR A-133)***

AS OF AND FOR THE FISCAL YEAR ENDED JUNE 30, 2009



***Hon. Pedro J. García-Figueroa
Mayor***

***Mrs. Marinelda Acosta
Finance Director***

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

Table of Contents

<u>FINANCIAL SECTION</u>	<u>PAGE</u>
Independent Auditors' Report	1-2
Management Discussion and Analysis	3-14
Basic Financial Statements:	
Government-wide Financial Statements:	
Statement of Net Assets	15
Statement of Activities	16
Governmental Funds Financial Statements:	
Balance Sheet – Governmental Funds	17
Reconciliation of Total Governmental Fund Balances to Net Assets of Governmental Activities	18
Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds	19
Reconciliation of Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities	20
Notes to Financial Statements	21-49
Required Supplementary Information:	
Budgetary Comparison Schedule – General Fund	50
Notes to Required Supplementary Information - Budgetary Comparison Schedule – General Fund	51-52
Supplementary Information:	
Financial Data Schedule	53-54
Note to Supplementary Information – Financial Data Schedule	55
<u>SINGLE AUDIT SECTION</u>	
Supplemental Information:	
Schedule of Expenditures of Federal Awards	56
Notes to Schedule of Expenditures of Federal Awards	57
Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards	58-59
Independent Auditors' Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control over Compliance in Accordance with OMB Circular A-133	60-61
Schedule of Findings and Questioned Costs	62-66
Schedule of Status of Prior Years Audit Findings and Questioned Costs	67

FINANCIAL SECTION

VALDES, GARCIA, MARIN & MARTINEZ, LLP

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS
MEMBER OF THE AICPA PRIVATE COMPANIES PRACTICE SECTION

P.O. Box 364831
SAN JUAN, P.R. 00936-4831

TELEPHONE: (787) 725-1600
TELEFAX: (787) 721-2795

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor
and Members of the Municipal Legislature
Municipality of Hormigueros
Hormigueros, Puerto Rico

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Municipality of Hormigueros (the Municipality) as of and for the year ended June 30, 2009, which collectively comprise the Municipality's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Municipality's management. Our responsibility is to express opinions on these financial statements based on our audit.

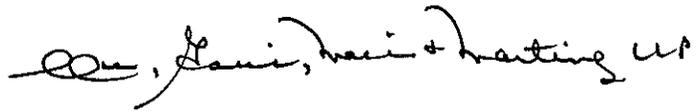
We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control over financing reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Municipality of Hormigueros as of June 30, 2009 and for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with Government Auditing Standards, we have also issued our report dated December 31, 2009, on our consideration of the Municipality's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

The Management Discussion and Analysis on pages 3 through 14 and Budgetary Comparison Schedule - General Fund on page 50 are not a required part of the basic financial statements but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Municipality's basic financial statements. The accompanying Schedule of Expenditures of Federal Awards is presented for purposes of additional analysis as required by the U.S. Office of Management and Budget Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" and is not a required part of the basic financial statements. The Schedule of Expenditures of Federal Awards has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole. The Financial Data Schedule supplementary information on pages 53 through 54 has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on it.

A handwritten signature in black ink, appearing to read "Luis M. Garcia". The signature is written in a cursive style with a large initial "L" and "G".

San Juan, Puerto Rico
December 31, 2009

Stamp 2474927 was affixed
to the original.

MANAGEMENT DISCUSSION AND ANALYSIS

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

The following discussion and analysis of the Municipality of Hormigueros' financial performance will provide an overview of the Municipality's financial activities for the fiscal year ended June 30, 2009. We encourage readers to consider the information presented here in conjunction with the Municipality's financial statements, which follow this analysis.

FINANCIAL HIGHLIGHTS

Highlights for Government-wide Financial Statements

Information reported in the government-wide statements is based on the economic resources measurement focus and the accrual basis of accounting:

- The assets of the Municipality, on a government-wide basis, exceeded its liabilities at the close of fiscal year 2009 by \$32,882,599 (net assets). This represents an increase of 1% with respect to the fiscal year 2007-2008.
- Revenues and expenses decreased by 9% and 3%, respectively, in comparison with the previous year.
- The change in net assets decreased 88% compared to the change in net assets of the year 2007-2008.

Highlights for Fund Financial Statements

Fund financial statements present information of the most significant funds of the Municipality based on the current financial resources measurement focus and the modified accrual basis of accounting:

- At June 30, 2009, a net change of (\$3,196,285) in the fund balances of the Municipality's governmental funds resulted in a reported combined ending fund balances of \$7,311,380. Approximately 6% of the total combined fund balances is unreserved.
- Total fund balance of the general fund decreased by 57% and the unreserved fund balance decreased 79% in comparison to fiscal year 2007-2008.

General Financial Highlights

- The investment in capital assets as of June 30, 2009 was \$43,206,821 (net of depreciation).
- Long-term debt decreased to \$19,151,644; approximately 4% with respect to prior year.
- On a budgetary basis, actual expenditures exceeded actual revenues by \$1,006,612.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

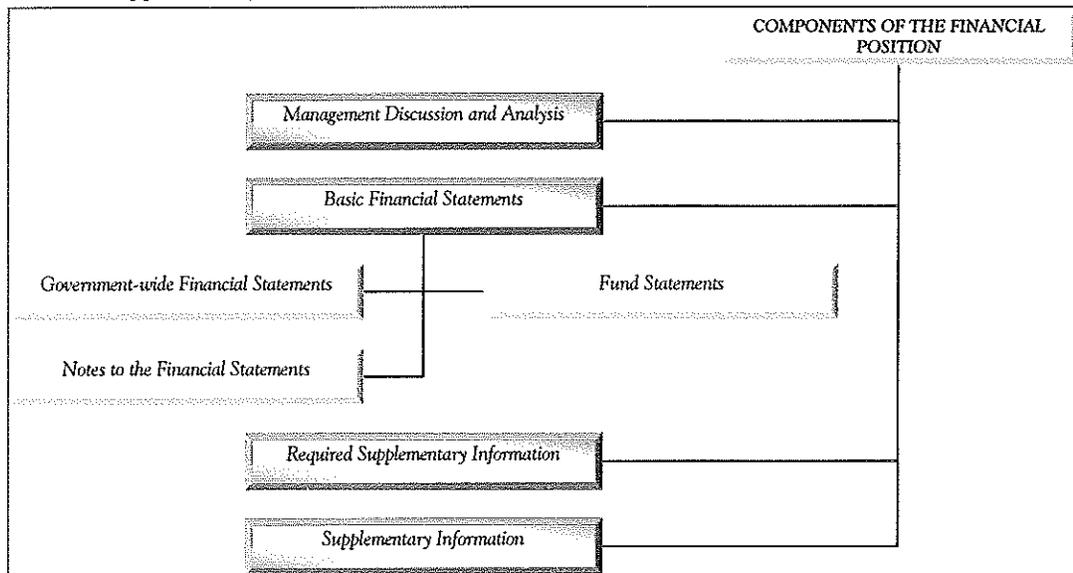
MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

OVERVIEW OF THE FINANCIAL STATEMENTS

The Municipality's financial report comprises four components:

- management discussion and analysis (presented here)
- basic financial statements
- required supplementary information
- supplementary information



The Municipality's basic financial statements consist of two kinds of statements, each with a different view of the Municipality's finances. The government-wide financial statements provide both long-term and short-term information about the Municipality's overall financial status. The fund financial statements focus on major aspects of the Municipality's operations, reporting those operations in more detail than the government-wide statements:

➤ **Government-Wide Statements**

The government-wide statements report information about the Municipality as a whole using accounting methods similar to those used by private-sector businesses. They are prepared using the flow of economic resources measurement focus and the accrual basis of accounting. The first government-wide statement – the statement of net assets – presents information on all of the Municipality's assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in the Municipality's net assets are an indicator of whether its financial health is improving or deteriorating. Other non-financial factors such as the condition of the Municipality's capital assets may need to be considered to assess the overall health of the Municipality. The second statement – the statement of activities – presents information showing how the net assets changed during the year. All of the current year's revenues and expenses are taken into account in the statement of activities regardless of when cash is received or paid.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

The government-wide statements reports as governmental activities the Municipality's basic services such as public works and sanitation, public safety, culture and recreation, housing, welfare, community development, education and general administration. These activities are primarily financed through property taxes, other local taxes and intergovernmental revenues. Included in the governmental activities are the governmental funds.

➤ ***Fund Financial Statements***

The fund financial statements provide more detailed information about the Municipality's most significant funds. Funds are accounting devices that the Municipality uses to keep track of specific sources of funding and spending for particular purposes. Some funds are required by Federal and Commonwealth regulations, as well by bond covenants.

The Municipality's basic services are included in governmental funds, which are used to account for essentially the same functions reported as governmental activities in the government-wide statements. However, unlike the government-wide statements, the governmental funds are prepared using the flow of current financial resources measurement focus and the modified accrual basis of accounting. Under this approach the financial statements focus on near-term inflows and outflows of external resources, as well on balances of expendable resources available at year-end. Consequently, the governmental fund statements provide a detailed short-term view that helps the reader determine whether there are more or fewer financial resources that can be spent in the near future to finance the Municipality's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, additional information is provided on a subsequent page that explains the relationship (or differences) between the government-wide and fund statements.

The governmental fund statements focus on major funds. The Municipality's major funds are the general fund (which accounts for the main operating activities of the Municipality) and funds that comply with a minimum criterion (percentage of the assets, liabilities, revenues or expenditures). Funds that do not comply with this criterion are grouped and presented in a single column as other governmental funds.

➤ ***Notes to financial statements***

The basic financial statements also include notes to explain information in the financial statements and provide more detailed data.

➤ ***Required supplementary information***

The statements and notes are followed by the required supplementary information that contains the budgetary comparison schedule for the General Fund.

➤ ***Supplementary information***

The required supplementary information is followed by a financial data schedule containing financial information of the Section 8 Housing Choice Voucher Program administered by the Municipality.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

FINANCIAL ANALYSIS OF THE MUNICIPALITY AS A WHOLE

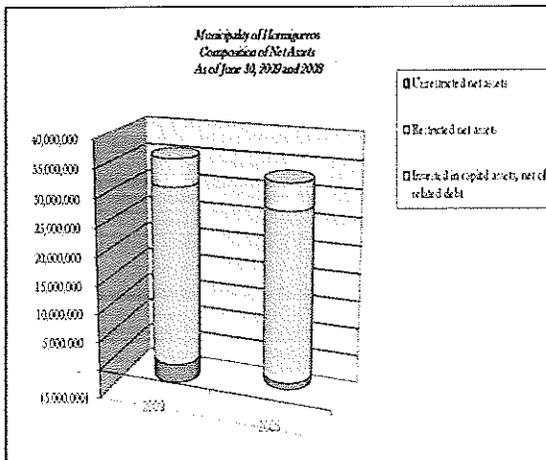
Net Assets

The following table presents a summary of the Statement of Net Assets as of June 30, 2009 and 2008:

TABLE 1

<i>Summary Statement of Net Assets As of June 30,</i>		
	Governmental Activities	
	2009	2008
Assets		
Current and other assets	\$ 11,796,481	\$ 15,305,763
Capital assets	43,206,821	40,592,144
Total assets	\$ 55,003,302	\$ 55,897,907
Liabilities		
Current and other liabilities	\$ 2,969,059	\$ 3,258,769
Long-term liabilities	19,151,644	19,922,105
Total liabilities	22,120,703	23,180,874
Net assets		
Invested in capital assets, net of related debt	31,309,738	29,181,346
Restricted	4,843,166	4,650,211
Unrestricted	(3,270,305)	(1,114,519)
Total net assets	\$ 32,882,599	\$ 32,717,033

Net assets (assets over liabilities) may serve over time as a useful indicator of a government's financial position. At the close of the fiscal year, the assets of the Municipality exceeded its liabilities by \$32,882,599 representing an increase of 1% with respect to the year 2007-2008. The largest portion of the Municipality's net assets reflects its investment in capital assets (e.g., land, buildings, equipment, and infrastructure); less accumulated depreciation and less any related outstanding debt used to acquire those assets.



The Municipality uses these assets to provide services to its citizens and, consequently, these assets are not available for future spending. The resources needed to repay the debt related to these capital assets must be provided from other sources, because capital assets are not generally liquidated for the purpose of retiring debt. Restricted net assets represent resources that are subject to external restrictions on how they may be used. Unrestricted net assets are the part of the net assets that can be used to finance day-to-day operations without constraints established by debt covenants, enabling legislation or other legal requirements.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

As of June 30 2009, the Municipality presented an unrestricted net assets deficit. This deficit primarily arises from long-term obligations such as compensated absences and debts to CRIM for which the Municipality did not provide funding in previous budgets. Historically, such obligations have been budgeted on a "pay as you go" basis without providing funding for their future liquidation. In addition, operational loans and certain general obligation bonds do not have a related capital asset to be reported as invested in capital assets, net of related debt section of net assets. Therefore, they are reported as part of the unrestricted net assets section.

Changes in net assets

The following table summarizes the changes in net assets for the fiscal years ended 2009 and 2008:

TABLE 2

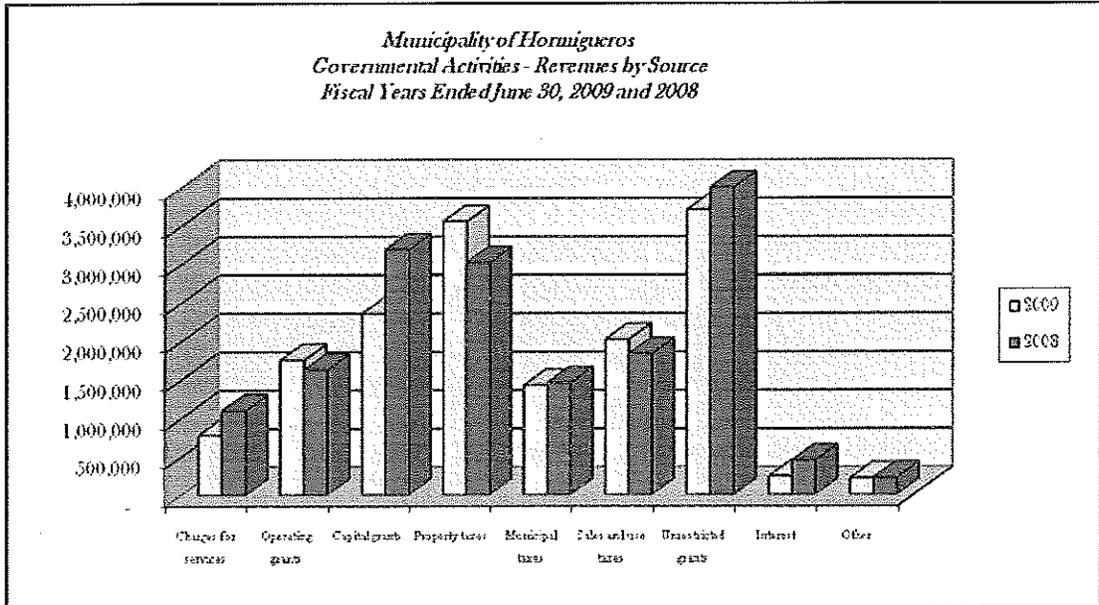
<i>Summary of Changes in Net Assets As of June 30,</i>		
	Governmental Activities	
	2009	2008
Program revenues:		
Fees, fines and charges for services	\$ 775,155	\$ 1,096,604
Operating grants and contributions	1,751,469	1,625,238
Capital grants and contributions	2,353,098	3,189,421
General revenues:		
Property taxes	3,552,363	3,018,725
Municipal license taxes	1,424,373	1,452,164
Sales and uses taxes	2,017,806	1,832,419
Grants and contributions not restricted to specific programs	3,706,351	4,766,135
Interest	239,038	446,005
Other	212,661	218,072
Total revenues	16,032,314	17,644,783
Expenses:		
General government	6,913,065	7,036,647
Public works and sanitation	3,257,302	3,803,846
Public safety	815,690	787,015
Culture and recreation	1,611,361	1,396,023
Health	385,630	370,919
Housing, welfare and community development	2,031,181	2,209,411
Education	31,606	33,323
Interest on long-term debt	820,918	653,264
Total expenses	15,866,753	16,290,448
Change in net assets	165,561	1,354,335
Net assets-beginning of year	32,717,038	31,362,703
Net assets-end of year	\$ 32,882,599	\$ 32,717,038

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

FIGURE 1



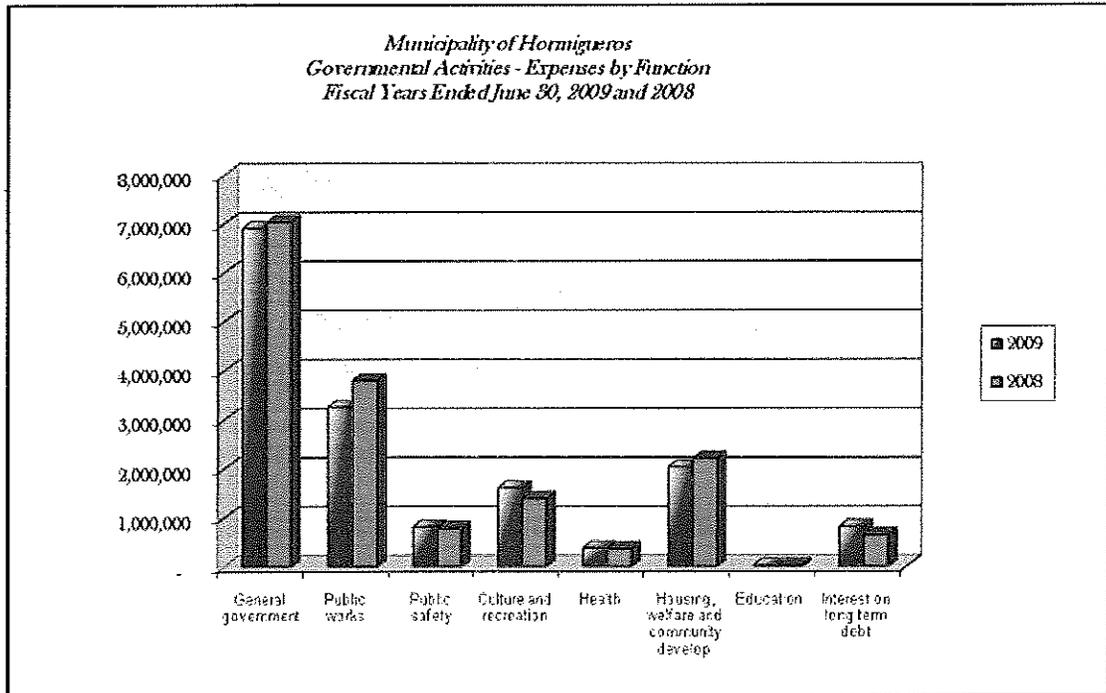
Approximately 26% of the Municipality's revenues came from operating and capital grants, 23% from grants and contributions not restricted to specific programs and 22% from property taxes. Revenues decreased by 9% in comparison with the year 2007-2008. The net decrease in revenues of 9% is mostly affected by a combination of the following: (1) a 46% decrease in interest revenue due to redemption of certificates of deposit, (2) a 29% decrease in fees, fines and charges for services due to a decrease in construction taxes collected, (3) a 26% decrease in capital grants mostly due to non recurrent revenues received for capital improvements in prior year such as CDBG and Lavadero Sanitary Sewer System revenues designated for specific projects, (4) a 22% decrease in unrestricted operating grants due to a decrease in current municipal equalization fund sent by CRIM and non-recurrent revenues from a law suit claiming municipal equalization fund revenues from prior years that was received on the prior year, and (5) a 17% increase in property taxes collected.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

FIGURE 2



The Municipality's expenses cover a range of services. The largest expenses are: general government representing approximately 44%, public works and sanitation with 21%, and housing, welfare and community development with 13%. Program revenues of the Municipality covered 31% of total expenses.

Expenses decreased 3% in comparison with the previous year. This includes an increase of 26% in interest on long-term debt (due to interest payments of new bonds), an increase of 15% in culture and recreation (due to activities celebrated for the community such as Hormigueros' Saint Feasts and "Porta del Sol" tourism activities), a decrease of 14% in public works and sanitation (due to less non capitalizable expenditures such as fuel, repairs and maintenance, and landfill operations), and an 8% decrease in housing welfare and community development (due to less donations from operational funds and a decrease in CDBG welfare expenditures).

As noted previously, the decrease in revenues combined with a small decrease in expenses resulted in a decrease in net assets of approximately 88% compared with the change in net assets reported in the 2007-2008 Statement of Activities. The following table focuses on the cost of each of the Municipality's largest programs as well as each program's net cost (total cost less fees generated by the programs and program -specific intergovernmental aid):

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

TABLE 3

<i>Net Cost of Municipality's Governmental Activities</i>				
<i>Fiscal years ended June 30,</i>				
Functions/Programs	Total Cost of Services		Net Cost of Services	
	2009	2008	2009	2008
General government	\$ 6,913,065	\$ 7,036,647	\$ (5,674,381)	\$ (5,276,536)
Public works and sanitation	3,257,302	3,803,846	(1,072,067)	(1,064,215)
Public safety	815,690	787,015	(663,300)	(736,130)
Culture and recreation	1,611,361	1,396,023	(1,496,976)	(1,374,124)
Housing, welfare and community development	2,031,181	2,209,411	(842,153)	(870,674)
Other	1,238,154	1,057,506	(1,238,154)	(1,057,506)
	<u>\$ 15,866,753</u>	<u>\$ 16,290,448</u>	<u>\$ (10,987,031)</u>	<u>\$ (10,379,185)</u>

FINANCIAL ANALYSIS OF THE MUNICIPALITY'S FUNDS

Some of the cost of governmental activities was paid by those who directly benefited from the programs (\$775,155) and other governments and organizations that subsidized certain programs with grants and contributions (\$4,104,567). The \$10,987,031 net cost of services was fully covered by other general revenues including property, municipal license, and sales and use taxes.

Governmental funds

The focus of the Municipality's governmental funds is to provide information on near-term inflows, outflows and balances of resources available for spending. Such information is useful in assessing the Municipality's financing requirements. In particular, unreserved fund balance may serve as a useful measure of a Municipality's net resources available at the end of a fiscal year. For the fiscal year ended June 30, 2009, the governmental funds reported combined ending fund balances of \$7,311,380, a net decrease of \$3,196,285 in comparison with the prior year. This net decrease was caused primarily by a decrease of (\$1,735,715) in the General Fund, and a decrease of (\$1,048,460) in the Commonwealth Legislative Resolutions funds due to amounts received on prior year for capital projects spent on current year. Of the total combined fund balances, \$468,504 (6%) constitutes unreserved fund balance, including \$313,166 designated for subsequent year expenditures. The remainder of the fund balance is reserved to indicate that it is not available for new spending.

The general fund is the operating fund of the Municipality. Unreserved fund balance of the general fund represents 6% of total combined ending fund balance. For the year ended June 30, 2009, the fund balance of the general fund decreased by (\$1,735,715). The key combined factors of this change is an increase of 50% in property taxes revenues, 44% decrease in interest revenues, 30% decrease in construction permits revenue, 20% decrease in Intergovernmental Commonwealth Government revenues combined with an increase of 19% in capital outlays expenditures with respect to the 2007-2008 year. In addition, this result includes the net effect of a fund balance readjustment of \$1,340,351. This represents a readjustment of current year budget with the prior year's fund balance resources, approved by the Municipal Legislature.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

General fund budgetary highlights

The general fund original budget for the fiscal period 2009-2008 presented an increase of 15% with respect to the prior year budget due to an increase in the estimated amount of property taxes, sales and use taxes, fees fines and charges for services, and interest revenues.

Amendments to the original budget are approved by the Municipal Legislature. During the current fiscal year amendments to budget expenditures for a net amount of \$1,030,474 were approved. Of this, a net amount of \$1,340,351 represented a readjustment of the current year budget with the prior year's budgetary surplus and (\$309,877) were reduced due to uncollectible resources. Actual revenues exceeded the revised budgeted revenues by \$176,036. The most significant variances were \$198,132 from intergovernmental subsidies, (\$169,250) from interest revenues, and \$99,056 from property taxes. The Municipality reported a positive variance of \$56,652 between revised budgeted appropriations and actual expenditures, but ended with a total net negative variance of (\$1,106,612).

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital assets

At the end of the fiscal year, the Municipality has invested \$43,206,821 (net of accumulated depreciation) in a broad range of capital assets, including buildings, parks, roads, bridges, land and equipment. This amount represents a net increase of 6% over the prior year.

TABLE 4

<i>Capital Assets, net As of June 30,</i>		
	Governmental Activities	
	2009	2008
Non-depreciable assets:		
Land	\$ 7,702,495	\$ 7,577,389
Construction in progress	9,700,814	7,065,033
Depreciable assets:		
Land improvements	693,722	729,726
Buildings and buildings improvements	15,345,349	15,308,633
Infrastructure	6,440,813	6,777,214
Vehicles, machinery and equipment	3,323,628	3,134,149
Total	\$ 43,206,821	\$ 40,592,144

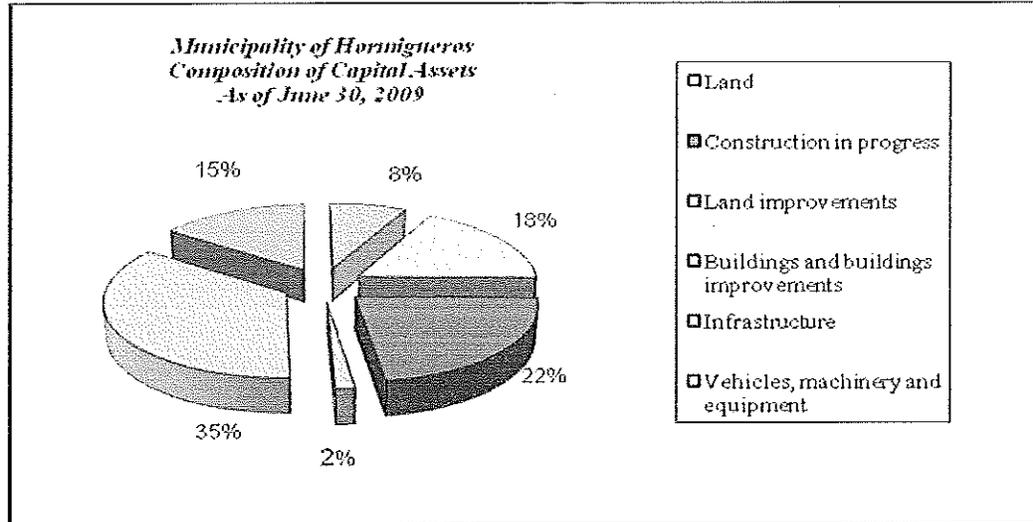
Certain projects are still construction in progress as of June 30, 2009. The most significant of these projects are the construction of the future Elderly Services Center, the construction of "Lavadero Sanitary Sewer System", the construction of Lavadero's Multiuse Center and the remodeling of the Fine Arts School building with reported costs of \$1,566,256, \$4,510,545, \$774,408, and \$1,101,625, respectively.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

Figure 3



The Municipality's fiscal year 2009-2010 capital budget calls for a significant amount of new and continuous projects including the continuance of the construction of the Elderly Services Center "Julio Perez Irizarry" in Verdum area, which is being financed through grants from CDBG, Commonwealth Legislature Resolutions and Citizen Participation Funds. Other projects that will be continued in this fiscal year are the construction of the Lavadero Multiple Purpose Center, the remodeling of the School of Fine Arts building, and the reconstruction of various basketball courts in different communities.

Other projects that will be developed in the next fiscal year are the reconstruction of the San Romualdo and Hoya Grande community centers, the construction of "Vista a la Bahia" square in Hoya Grande, the inaugural ceremony of the electronic library in Carretera Nueva, the construction of a recreational park for kids, the construction of a 400 meters athletic track, the termination of the improvements of the Hermanos Miura stadium with the inaugural ceremonies of the Arts and Sports Immortals' Gallery and the Natural History Museum in the restored Antique Fire Station. Other infrastructure projects in different communities will be initialized and completed. The Municipality will continue its public policy of land acquisition for the development of necessary projects such as the extension of the Municipal Graveyard; promote the development of low cost housing, and commercial spaces. "Lavadero de Oro" is a significant project that is in progress for this fiscal year that is composed of eight housing buildings of social interest requiring an investment of \$6,000,000. This project will be carried out with funds granted by the Puerto Rico Department of Housing. The Development of the Ecoturistic Center in the Eureka Station is also in planning stage. All these projects will be financed with other Commonwealth and Federal grants, funds from the Commonwealth Legislature and Municipal funds. More detailed information about the Municipality's capital assets and future projects is presented in Note G to the financial statements.

Long-term debt

At year-end, the Municipality has \$ 15,760,000 in general and special bonds and notes outstanding, a decrease of 2% with respect to the prior year. This decrease was due to the repayment of principal amounts on outstanding obligations during the current year.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS
MANAGEMENT DISCUSSION AND ANALYSIS**

Fiscal year ended June 30, 2009

TABLE 5

<i>Outstanding Long-term Debt As of June 30,</i>			
	Governmental Activities		
	2009	2008	
General and special obligation bonds and notes	\$ 15,760,000	\$	16,067,555
Compensated absences	1,370,107		1,329,275
Claims and judgments	-		40,000
Payable to CRIM – prior years doubtful accounts	4,586		4,785
Note payable-Puerto Rico Treasury Department	-		725,829
Christmas bonus payable	235,134		224,532
Payable to CRIM - LIMS	80,218		109,154
Estimated landfill closing costs	1,175,004		1,137,702
Note payable to FEMA	-		91,132
Property Taxes – current year	360,297		61,338
Payable to PREPA	166,298		130,803
Total	\$ 19,151,644	\$	19,922,105

The Municipality reported a decrease in the other long-term debts of \$462,906. This increase was primarily due to a new debt to the P.R. Electric Power Authority (PREPA) and a negative CRIM property tax liquidation for the amounts of \$100,896 and \$298,959, respectively, as of June 30, 2009. More detailed information about the Municipality's long-term liabilities is presented in Note I to the financial statements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

The Municipality's officials considered certain factors when establishing the fiscal year 2009-2010 budget. One of these factors is the economy. Among economic areas considered are the population growth estimates, personal income, housing statistics and unemployment rates. The Municipality's unemployment rate now stands at 16.8% which reasonably compares with the Commonwealth rate of 15.2%.

For the year 2009-2010 the Municipality applied a conservative approach in the development of budget estimates. Amounts available for appropriations in the General Fund for the fiscal year 2009-2010 are \$9,768,358 representing a decrease of approximately 11% with respect to prior year estimates. Budgeted expenditures are expected to rise accordingly to the increase of budgeted revenues. If these estimates are achieved, the Municipality's budgetary general fund balance is expected to increase modestly by the close of the 2009-2010 fiscal year. In addition to the general fund estimated budget, the Municipality plans to submit Federal and Commonwealth funds proposals for welfare and community development as well as permanent capital improvements and public works.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

MANAGEMENT DISCUSSION AND ANALYSIS

Fiscal year ended June 30, 2009

CONTACTING THE MUNICIPALITY'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, and creditors with a general overview of the Municipality's finances and to demonstrate the Municipality's accountability for the money it receives. If you have questions about this report or need additional information, contact the Municipality's Director of Finance at PO Box 97, Hormigueros, Puerto Rico 00660.

BASIC FINANCIAL STATEMENTS

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**STATEMENT OF NET ASSETS
JUNE 30, 2009**

ASSETS	Governmental Activities
Cash and cash equivalents	\$ 2,439,307
Receivables, net:	
Municipal license taxes	15,377
Sales and use taxes (note M)	119,432
Lease (note D)	290,723
Other	11,929
Due from (note E):	
Commonwealth Government	955,055
Federal Government	255,213
Restricted assets:	
Cash and cash equivalents	3,286,788
Cash with fiscal agents	3,584,851
Investment held with fiscal agent (note C)	733,350
Deferred bond issuance costs	104,456
Capital assets (note G):	
Land and construction in progress	17,403,309
Other capital assets, net	25,803,512
Total capital assets, net	<u>43,206,821</u>
Total assets	<u><u>\$ 55,003,302</u></u>
 LIABILITIES	
Accounts payable and accrued liabilities	\$ 1,613,146
Interest payable	354,985
Due to:	
Commonwealth Government	28,064
Deferred revenues:	
Municipal license taxes:	955,160
Federal grants	17,704
Long-term liabilities (note I):	
Due within one year	1,363,729
Due in more than one year	17,787,915
Total liabilities	<u><u>22,120,703</u></u>
 NET ASSETS	
Invested in capital assets, net of related debt	31,309,738
Restricted for:	
Capital projects	2,725,031
Debt service	1,938,820
Other specified purposes	179,315
Unrestricted (deficit)	<u>(3,270,305)</u>
Total net assets	<u><u>\$ 32,882,599</u></u>

The accompanying notes are an integral part of this statement.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**STATEMENT OF ACTIVITIES
FISCAL YEAR ENDED JUNE 30, 2009**

Functions	Expenses	Program Revenues		Net (Expenses) Revenues and Change in Net Assets
		Fees, Fines and Charges for services	Operating Grants and Contributions	
Governmental Activities:				
General government	\$ 6,913,065	\$ 687,392	\$ 422,574	\$ (5,674,381)
Public works and sanitation	3,257,302	50,308	45,396	(1,072,067)
Public safety	815,690	-	152,390	(663,300)
Culture and recreation	1,611,361	14,385	100,000	(1,496,976)
Health	385,630	-	-	(385,630)
Housing, welfare and community development	2,031,181	23,070	1,031,109	(842,153)
Education	31,606	-	-	(31,606)
Interest on long-term debt	820,918	-	-	(820,918)
Total	\$ 15,866,753	\$ 775,155	\$ 1,751,469	(10,987,031)

General revenues:

Taxes:	
Property taxes	3,552,363
Municipal license taxes	1,424,373
Sales and use taxes	2,017,806
Grants and contributions not restricted to specific programs	3,706,351
Interest	239,038
Other	212,661
Total general revenues	11,152,592
Change in net assets	165,561
Net assets-beginning	32,717,038
Net assets-ending	\$ 32,882,599

The accompanying notes are an integral part of this statement.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2009

	Major Funds							Total Governmental Funds
	General	Community Development Block Grant Program	Commonwealth Legislature Resolutions	Debt Service	Lavadero Sanitary Sewer System	\$ 3,000,000 Bond Issuance	Other Governmental Funds	
Assets								
Cash and cash equivalents	\$ 2,439,307	-	-	\$ -	-	-	\$ -	\$ 2,439,307
Receivables, net:								
Municipal license taxes	15,377	-	-	-	-	-	-	15,377
Sales and use taxes	119,432	-	-	-	-	-	-	119,432
Lease	290,723	-	-	-	-	-	-	290,723
Other	1,925	-	-	-	-	-	10,004	11,929
Due from:								
Commonwealth Government	432,926	-	5,468	212,267	25,611	1,500	277,283	955,055
Federal Government	-	188,065	-	-	-	-	67,148	255,213
Other funds (note F)	180,493	-	-	-	-	-	484	180,977
Restricted assets:								
Cash and cash equivalents	-	1,019	1,380,281	-	204,550	-	1,700,938	3,286,788
Cash with fiscal agents	-	-	-	2,081,140	-	-	1,503,711	3,584,851
Investment held with fiscal agent	-	-	-	-	-	733,350	-	733,350
Total assets	<u>\$ 3,480,183</u>	<u>\$ 189,084</u>	<u>\$ 1,385,749</u>	<u>\$ 2,293,407</u>	<u>\$ 230,161</u>	<u>\$ 734,850</u>	<u>\$ 3,559,568</u>	<u>\$ 11,873,002</u>
Liabilities and fund balances								
Liabilities:								
Accounts payable and accrued liabilities	\$ 549,852	\$ 183,208	\$ 224,636	\$ -	\$ 391,870	\$ -	\$ 263,580	\$ 1,613,146
Matured bonds and interest payable	-	-	-	820,378	-	-	-	820,378
Due to:								
Commonwealth Government	28,064	-	-	-	-	-	-	28,064
Other funds	484	4,859	5,468	-	-	-	170,166	180,977
Deferred revenues (notes D, H, L, and M):								
Municipal license taxes	955,160	-	-	-	-	-	-	955,160
Lease	290,723	-	-	-	-	-	-	290,723
Intergovernmental-Commonwealth Government	335,057	-	5,468	36,191	25,611	-	82,443	484,770
Federal grants	-	170,700	-	-	-	-	17,704	188,404
Total liabilities	<u>2,159,340</u>	<u>358,767</u>	<u>255,572</u>	<u>856,569</u>	<u>417,481</u>	<u>-</u>	<u>533,893</u>	<u>4,561,622</u>
Fund balances (deficits):								
Reserved for:								
Encumbrances	428,159	-	-	-	-	-	-	428,159
Debt service	-	-	-	1,436,838	-	-	-	1,436,838
Capital projects	48,810	-	1,150,177	-	-	734,850	2,845,702	4,779,539
Other specified purposes	18,367	-	-	-	-	-	179,973	198,340
Unreserved								
Designated for subsequent years expenditures	313,166	-	-	-	-	-	-	313,166
Undesignated	512,341	(169,683)	-	-	(187,320)	-	-	155,338
Total fund balances (deficits)	<u>1,320,843</u>	<u>(169,683)</u>	<u>1,150,177</u>	<u>1,436,838</u>	<u>(187,320)</u>	<u>734,850</u>	<u>3,025,675</u>	<u>7,311,380</u>
Total liabilities and fund balances (deficits)	<u>\$ 3,480,183</u>	<u>\$ 189,084</u>	<u>\$ 1,385,749</u>	<u>\$ 2,293,407</u>	<u>\$ 230,161</u>	<u>\$ 734,850</u>	<u>\$ 3,559,568</u>	<u>\$ 11,873,002</u>

The accompanying notes are an integral part of this statement.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**RECONCILIATION OF TOTAL GOVERNMENTAL FUND BALANCES
TO NET ASSETS OF GOVERNMENTAL ACTIVITIES
JUNE 30, 2009**

Total governmental fund balances:	\$	7,311,380
Amounts reported for governmental activities in the Statement of Net Assets are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds:		43,206,821
Other assets used in governmental activities are not current financial financial resources and, therefore, are not reported in the funds: Deferred charges - bond issuance costs		104,456
Other assets are not available to pay current-period expenditures and therefore are deferred in the funds:		
Receivable:		
Lease agreement	\$ 290,723	
Due from Commonwealth Government:		
P.R. Infrastructure Financing Authority	37,443	
P.R. Infrastructure Financing Authority - PINI Funds	25,611	
P.R. Department of Treasury - Christmas bonus reimbursement	115,899	
P.R. Department of Labor - Law No. 52	766	
Commonwealth Legislature Resolutions	5,468	
P.R. Department of Education	10,600	
P.R. Department of Labor - Law No. 82	5,303	
P.R. Department of Treasury -sales and use taxes (General Fund)	36,191	
P.R. Department of Treasury -sales and use taxes (Debt Service Fund)	36,191	
P.R. Electric Power Authority (PREPA)	166,298	
P.R. Public Housing Administration (PRPHA)	45,000	
Due from Federal Government:		
CDBG	170,700	946,193
Interest liabilities are not due and payable in the current period and, therefore, are not reported in funds		(102,607)
Long-term liabilities, including bonds payable, are not due and payable in the current period and, therefore, are not reported in the funds:		
General obligation bonds and notes	15,192,000	
Note payable to CRIM-LIMS	80,218	
Note payable to CRIM-financing of delinquent accounts	4,586	
Prior year property tax	360,297	
Compensated absences	1,370,107	
Christmas bonus payable	235,134	
P.R. Electric Power Authority (PREPA)	166,298	
Estimated landfill closing costs	1,175,004	(18,583,644)
Net assets of governmental activities:	\$	<u>32,882,599</u>

The accompanying notes are an integral part of this statement.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES-
GOVERNMENTAL FUNDS
FISCAL YEAR ENDED JUNE 30, 2009

	Major Funds							Total Governmental Funds
	General	Community Development Block Grant Program	Commonwealth Legislature Resolutions	Debt Service	Lavadero Sanitary Sewer System	\$ 3,000,000 Bond Insurance	Other Governmental Funds	
Revenues:								
Taxes:								
Property taxes (note K)	\$ 2,946,603	-	\$ -	\$ 605,760	\$ -	-	\$ -	\$ 3,552,363
Municipal license taxes (note L)	1,424,373	-	-	-	-	-	-	1,424,373
Sales and use taxes (note M)	1,559,391	-	-	434,235	-	-	-	1,993,626
Intergovernmental:								
Commonwealth government (note N)	3,980,886	-	4,410	-	-	-	2,100,223	6,085,519
Federal government	-	668,210	-	-	-	-	1,210,742	1,878,952
Fees, fines and charges for services	757,844	-	-	-	-	-	17,311	775,155
Interest	216,601	-	-	18,644	-	3,793	-	239,038
Other	108,388	-	-	-	-	-	27,936	136,324
Total revenues	10,994,086	668,210	4,410	1,058,639	-	3,793	3,356,212	16,083,350
Expenditures								
Current:								
General government	6,133,967	123,568	-	-	-	-	122,460	6,279,995
Public works and sanitation	2,396,331	-	-	-	-	-	150,919	2,549,250
Public safety	664,431	-	-	-	-	-	10,862	675,293
Culture and recreation	976,435	-	-	-	-	-	100,000	1,076,435
Health	373,387	-	-	-	-	-	-	373,387
Housing, welfare and community development	718,300	158,619	57	-	-	-	1,024,584	1,901,560
Education	15,214	-	-	-	-	-	-	15,214
Capital outlays	1,007,233	271,441	1,052,813	-	382,738	-	1,671,312	4,385,537
Debt service:								
Principal	-	-	-	789,990	-	-	-	789,990
Interest	-	-	-	767,229	-	-	-	767,229
Bond issuance costs	-	-	-	-	-	-	4,008	4,008
Total expenditures	12,287,298	553,628	1,052,870	1,557,219	382,738	-	3,084,145	18,917,898
Excess (deficiency) of revenues over expenditures	(1,293,212)	114,582	(1,048,460)	(498,580)	(382,738)	3,793	272,067	(2,832,548)
Other financing sources (uses):								
Lease principal payments (note D)	82,498	-	-	-	-	-	-	82,498
Payment of long term debt to P. R. Electric Power Authority	(65,401)	-	-	-	-	-	-	(65,401)
Proceeds from general obligation bonds	(765,834)	-	-	-	-	-	383,000	(382,834)
Transfers in	781,034	-	100,000	474,800	-	-	-	1,355,834
Transfers out	(474,800)	-	(100,000)	(11,856)	-	-	(766,885)	(1,355,834)
Total other financing sources (uses)	(442,503)	-	-	462,944	-	(2,293)	(381,885)	(363,737)
Net change in fund balance	(1,735,715)	114,582	(1,048,460)	(35,636)	(382,738)	1,500	(109,818)	(3,196,285)
Fund balance (deficits) at beginning of year	3,056,538	(284,265)	2,198,637	1,472,474	195,418	733,350	3,135,493	10,507,665
Fund balance (deficits) at end of year	\$ 1,320,843	\$ (169,683)	\$ 1,150,177	\$ 1,436,838	\$ (187,320)	\$ 734,850	\$ 3,025,675	\$ 7,311,380

The accompanying notes are an integral part of this statement.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**RECONCILIATION OF STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
FISCAL YEAR ENDED JUNE 30, 2009**

Net change in fund balances-total governmental funds:	\$	(3,196,285)
Amounts reported for governmental activities in the Statement of Activities are different because:		
Governmental funds reports capital assets outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense:		
Expenditures for capital assets	\$ 4,385,537	
Less: current year depreciation	<u>(1,803,662)</u>	2,581,875
Governmental funds only report the proceeds received in the disposal of assets. In the Statement of Activities, a gain or loss is reported for each disposal. Thus, the change in net assets differs from the change in fund balance by the cost of the disposed asset:		
		(11,073)
Revenues in the Statement of Activities that do not provide current financial resources are not reported as revenues in the funds:		
Intergovernmental - Commonwealth Government:		
P.R. Department of Treasury - Christmas bonus reimbursement (current)	\$ 115,899	
P.R. Department of Labor - Law No. 52	766	
P.R. Department of Labor - Law No. 82	5,303	
P.R. Department of Education	10,600	
P.R. Public Housing Administration (PRPHA)	45,000	
P.R. Infrastructure Financing Authority	37,443	
P.R. Infrastructure Financing Authority - PINI Funds	25,611	
P.R. Department of Treasury -sales and use taxes (General Fund)	36,191	
P.R. Department of Treasury -sales and use taxes (Debt Service Fund)	36,191	
Commonwealth Legislature Resolutions	5,468	
P.R. Electric Power Authority (PREPA)	100,896	
Intergovernmental - Federal Government:		
CDBG	170,700	
Donated capital assets	<u>43,875</u>	633,943
Revenues reported in funds which are not reported as revenues in the Statement of Activities		
P.R. Department of Treasury - Christmas bonus reimbursement (prior year)	(104,288)	
P.R. Department of Labor - Law No. 52	(15,624)	
P.R. Department of Labor - Law No. 82	(80,736)	
P.R. Infrastructure Financing Authority	(36,819)	
P.R. Department of Education	(10,600)	
P.R. Department of Treasury -sales and use taxes (General Fund)	(24,101)	
P.R. Department of Treasury -sales and use taxes (Debt Service Fund)	(24,101)	
Commonwealth Legislature Resolutions	(333)	
P.R. Electric Power Authority (PREPA)	(196,205)	
HSGP- Equipment Acquisition	(1,547)	
Federal Transit Administration (FTA)	(5,684)	
CDBG	(144,074)	
Capital lease principal payment	<u>(50,036)</u>	(694,148)
Proceeds from general obligation bonds are other financing sources in the governmental funds, but increase in long-term liabilities in the Statements of Net Assets:		
		(385,000)
Expenditures reported in funds which are not reported as expenses in the Statement of Activities:		
Matured bonds principal payments (net change)		83,000
Repayment of long-term debt is an expenditure in the governmental funds, but reduces long-term liabilities in the Statement of Net Assets:		
General Obligation Bonds and Notes	692,554	
Other long-term liabilities	<u>1,355,922</u>	2,048,476
Governmental funds report the effect of bond issuance costs as expenditure when debt is first issued, whereas these amounts are deferred and amortized in the Statement of Activities. This amount is the net effect of these differences:		
Bond issuance costs	4,007	
Amortization of deferred charges	<u>(7,949)</u>	(3,942)
Some expenses reported in the Statement of Activities do not require the use of current financial resources and therefore are not reported as expenditures in the governmental funds:		
Christmas Bonus	(235,134)	
P.R. Electric Power Authority (PREPA)	(100,896)	
Estimated Landfill Closing Costs	(37,302)	
Compensated Absences	(220,725)	
Prior Year Property Taxes	(298,959)	
Accrued interest (net change)	<u>1,731</u>	(891,285)
Change in net assets of governmental activities:	\$	<u>165,561</u>

The accompanying notes are an integral part of this statement.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Municipality of Hormigueros was founded in 1874. The Municipality is governed by the executive and the legislative branch elected for a four-year term during the general elections in Puerto Rico. The Mayor is the executive officer and the legislative branch consists of twelve (12) members of the Municipal Legislature. The Municipality engages in a comprehensive range of services to the community such as: general government administration, public works, health, environmental control, education, public security, welfare, housing, community development and culture and recreation activities.

The financial statements of the Municipality have been prepared in accordance with accounting principles generally accepted in the United States as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the standard-setting body for governmental accounting and financial reporting. The GASB periodically updates its existing Governmental Accounting and Financial Reporting Standards, which, along with subsequent GASB pronouncements (Statements and Interpretations), constitutes GAAP for governmental units.

1. *Financial reporting entity*

The financial reporting entity included in this report consists of the financial statements of the Municipality of Hormigueros (primary government). To fairly present the financial position and the results of operations of the financial reporting entity, management must determine whether its reporting entity consists of only the legal entity known as the primary government or one or more organizations called component units. The inclusion of a potential component unit in the primary government's reporting entity depends on whether the primary government is financially accountable for the potential component unit or on whether the nature and significance of the relationship with the primary government is such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete. There are two methods of presentation of the component unit in the financial statements: (a) blending the financial data of the component units' balances and transactions in a manner similar to the presentation of the Municipality's balances and (b) discrete presentation of the component unit's financial data in columns separate from the Municipality's balances and transactions.

The basic criteria for deciding financial accountability are any one of the following:

- a. Fiscal dependency of the potential component unit on the primary government, or
- b. The primary government appoints a voting majority of the potential component unit's governing body and,
 - 1) The primary government can impose its will on the potential component unit and/or,
 - 2) A financial benefit/ burden exists between the primary government and the potential component unit.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued

In addition, a legally separate, tax-exempt organization should be discretely presented as a component unit of a reporting entity if *all* of the following criteria are met:

- a. The economic resources received or held by the separate organization are entirely or almost entirely for the direct benefit of the primary government, its component units, or its constituents.
- b. The primary government, or its component units, is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the separate organization.
- c. The economic resources received or held by an *individual organization* that the specific primary government, or its component units, is entitled to, or has the ability to otherwise access, are significant to the primary government.

Other organizations should be evaluated as potential component units if they are closely related to, or financially integrated with, the primary government. Professional judgment is applied in determining whether the relationship between a primary government and other organizations for which the primary government is not accountable and that do not meet these criteria is such that exclusion of the organization would render the financial statements of the reporting entity misleading or incomplete.

Based on the above criteria there are no potential component units which should be included as part of the financial statements.

2. *Basis of presentation, measurement focus and basis of accounting*

The financial report of the Municipality consists of the Management Discussion and Analysis (MD&A), basic financial statements, notes to the financial statements and required supplementary information other than the MD&A. Following is a summary presentation of each, including the measurement focus and basis of accounting. Measurement focus is a term used to describe *which* transactions are recorded within the various financial statements. Basis of accounting refers to *when* transactions are recorded regardless of the measurement focus:

Management Discussion and Analysis

This consists of a narrative introduction and analytical overview of the Municipality's financial activities. This analysis is similar to analysis the private sector provides in their annual reports.

Basic financial statements

The basic financial statements include both government-wide and fund financial statements. Both levels of statements categorize primary activities as governmental type, which are primarily supported by taxes and intergovernmental revenues.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued

Government-wide statements

The government-wide statements consist of a Statement of Net Assets and a Statement of Activities. These statements are prepared using the economic resources measurement focus, which concentrates on an entity or fund's net assets. All transactions and events that affect the total economic resources (net assets) during the period are reported. The statements are reported on the accrual basis of accounting. Revenues are recognized in the period earned and expenses recognized in the period in which the associated liability is incurred. Fiduciary activities, if any, whose resources are not available to finance government programs, are excluded from the government-wide statements. The effect of inter-fund activities is eliminated.

The Statement of Net Assets incorporates all capital (long lived) assets and receivables as well as long term debt and obligations. The Statement of Activities reports revenues and expenses in a format that focus on the net cost of each function of the Municipality. Both the gross and net cost of the function, which is otherwise being supported by the general government revenues, is compared to the revenues generated directly by the function. This Statement reduces gross expenses, including depreciation, by related program revenues, operating and capital grants, and contributions. Program revenues must be directly associated with the function.

The types of transactions included as program revenues are: charges for services, fees, licenses and permits; operating grants which include operating-specific and discretionary (either operating or capital) grants; and capital grants which are capital-specific grants. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes. Property taxes (imposed nonexchange transactions) are recognized as revenues in the year for which they are levied and municipal license taxes and sales and use taxes (derived tax revenues) when the underlying exchange has occurred. Revenues on both operating and capital grants are recognized when all eligibility requirements (which include time requirements) imposed by the provider have been met. For certain expenditure-driven grants, revenue is recognized after allowable expenditures are incurred. As a policy, indirect expenses in the Statement of Activities are not allocated. The Municipality first uses restricted assets for expenses incurred for which both restricted and unrestricted assets are available.

The Municipality reports deferred revenues in the government-wide statements. Deferred revenues arise when resources are received before the Municipality has a legal claim to them or before applicable eligibility requirements are met (in case of certain federal expenditure-driven grants if resources are received before allowable expenditures are incurred). In subsequent periods, when the Municipality has a legal claim to the resources, the liability for deferred revenues is removed and the revenue is recognized.

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989 generally are followed in the government-wide financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board. The Municipality has elected not to follow subsequent statements and interpretations issued by the FASB after November 30, 1989.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued

Fund Statements

The financial transactions of the Municipality are recorded in individual funds, each of which are considered an independent fiscal entity. Each fund is accounted for by providing a separate set of self balancing accounts that comprise its assets, liabilities, reserves, fund equity, revenues and expenditures. Funds are segregated according to their intended purpose which helps management in demonstrating compliance with legal, financial and contractual provisions. Governmental Funds are those through which most governmental functions of the Municipality are financed. The governmental fund statements include a Balance Sheet and a Statement of Revenues, Expenditures and Changes in Fund Balances with one column for the general fund, one for each major fund and one column combining all non-major governmental funds. Major funds are determined based on a minimum criterion, that is, a percentage of the assets, liabilities, revenues or expenditures (for Commonwealth Legislature Resolutions, Debt Service and \$3,000,000 Bond Issuance Funds) or based on the Municipality's official criteria if the fund is particularly important to financial statement users (for Community Development Block Grant, Lavadero Sanitary Sewer System Funds and \$3,000,000 Bond Issuance Fund).

The Municipality reports the following major governmental funds:

General Fund: The General Fund is the general operations fund of the Municipality. It is used to account for all financial resources except those required to be accounted in another fund.

Community Development Block Grant Program Fund (CDBG): CDBG fund is used to account for revenues sources for the development of viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

Commonwealth Legislature Resolutions Fund: This fund accounts for revenue sources from grants provided by the Commonwealth Legislature for specific purposes which includes, among others, acquisition, development and improvements of capital assets.

Debt Service Fund: Debt Service Fund is used to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest.

Lavadero Sanitary Sewer System Fund: This fund accounts for revenue sources from a grant provided by the USDA Rural Development for specific purposes, that is, the construction of a sanitary sewer system for the "Lavadero" community.

\$3,000,000 Bond Issuance Fund: This fund accounts for proceeds from a special obligation bond issuance for the acquisition of land and construction of sports facilities.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – Continued

Governmental funds, reported in the fund statements, are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method of accounting, revenues are recognized when they are susceptible to accrual (i.e. both measurable and available). Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Municipality considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Revenues susceptible to accrual include property taxes, recognized as revenues in the year for which they are levied; municipal license taxes and sales and use taxes, recognized when the underlying exchange has occurred and time requirements are met and interest. In applying the susceptible to accrual concept to intergovernmental revenues, revenues are recognized when all eligibility requirements (including time requirements) imposed by the provider have been met and revenue becomes available. There are, however, essentially two types of these revenues. In the first case, on expenditure-driven grants, monies must be expended on the specific project or purpose (eligibility requirement), before any amounts are paid to the Municipality. Revenue is, therefore, recognized as expenditures are incurred to the extent available. In the other cases, monies are virtually unrestricted and are generally revocable only for failure to comply with prescribed compliance requirements. In these cases revenues are recognized as the time of receipt or earlier if the susceptible to accrual criteria is met. Licenses and permits, charges for services, rent, fines and miscellaneous revenues are generally recorded as revenues when received or are recognized earlier if the susceptible to accrual criteria is met.

The Municipality reports in the governmental funds statements deferred revenues which arise when potential revenue does not meet both measurable and available criteria for recognition in the current period (in the government-wide statements revenue is recognized as soon as it is earned regardless of its availability). Deferred revenues also arise when resources are received before the Municipality has a legal claim to them or before applicable eligibility requirements are met. (In the case of certain federal expenditure-driven grants, if resources are received before allowable expenditures are incurred). In subsequent periods, when the revenue recognition criteria is met, or when the Municipality has a legal claim to the resources, the liability for deferred revenues is removed from the combined balance sheet and the revenue is recognized.

Expenditures are generally recognized when the related liability is incurred. Certain exceptions to this fundamental concept include the following: (1) payments of principal and interest on general long term debt, which are recorded as expenditures when due, except for principal and interest due on July 1 (in this case amounts are recorded as liabilities and expenditures on June 30 since amounts have been accumulated or transferred to the debt service fund before July 1 payments are made) and (2) vested compensated absences, claims and judgments and special termination benefits which are recorded as expenditures only to the extent that they are expected to be liquidated with expendable financial resources (in the government-wide statements the expense and related accrual liability for long-term portions of debt must be included).

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued

Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements, a reconciliation is necessary to explain the adjustments needed to transform the fund financial statements into the government-wide statements. This reconciliation is part of the financial statements.

Notes to Financial Statements

The notes to financial statements provide information that is essential to a user's understanding of the basic financial statements.

Required Supplementary Information:

Required supplementary information consists of the Budgetary Comparison Schedule -- General Fund as required by GASB.

3. *Cash, cash equivalents (unrestricted and restricted) and restricted cash with fiscal agents*

Cash and cash equivalents consists of cash on hand, demand deposits and short term investments with original maturities of three months or less from the date of acquisition. The Municipality follows the practice of pooling cash of all funds except for certain Commonwealth's grants, restricted funds generally held by outside custodians and federal grants. Available pooled cash balance beyond immediate needs is invested in certificates of deposits. Cash and cash equivalents related to Commonwealth and Federal grants (including Commonwealth Legislature Resolutions) are restricted since their use is limited by applicable agreements or required by law.

Restricted cash with fiscal agent in the debt service fund consists of the undisbursed balance of property and sales tax collections retained by the Commonwealth of Puerto Rico which are restricted for the repayment of the Municipality's general and special obligation bonds and notes as established by law. Restricted cash with fiscal agent of the general and other governmental funds represent the undisbursed proceeds of certain bonds, loans or grants which are maintained in a cash custodian account by the GDB or a federal government agency.

4. *Receivables and due from governmental entities*

Receivables are stated net of estimated allowances for uncollectible accounts, which are determined upon past collection experience and current economic conditions.

Amounts due from federal government represent amounts owed to the Municipality for the reimbursement of expenditures incurred pursuant to federally funded programs. Amounts reported in the debt service fund represent property and sales tax revenues of current fiscal year collected by the CRIM (property tax) and the Puerto Rico Department of Treasury (sales tax) on the subsequent fiscal year.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued

5. *Interfund receivables and payables*

Activities among funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due from/to other funds" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the non-current portion of interfund loans). All other outstanding balances among funds are reported as "due from/to other funds".

6. *Inventories*

The Municipality purchases gasoline, oil and other expendable supplies held for consumption. The cost of those purchases is recorded as expenditure when incurred in the appropriate fund but the year-end inventory is not recorded in the Statement of Net Assets, as management believes is not significant.

7. *Capital assets*

Capital assets, which include property, equipment, and infrastructure, (e.g., roads, bridges, sidewalks, and similar items) are reported in the governmental activities column in the Statement of Net Assets. Capital assets are capitalized at historical cost or estimated historical cost if historical cost is not available. Donated assets are recorded as capital assets at their estimated fair market value at the date of donation. The municipality maintains a threshold level of \$1,000 or more for capitalizing vehicles, machinery and equipment. Infrastructure assets are capitalized based on a percentage of the estimated useful life. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

All capital assets, other than land and construction in progress, are depreciated using the straight-line method over the following useful lives:

<u>Description</u>	<u>Years</u>
Land improvements	20
Buildings and building improvements	20-50
Infrastructure	10-50
Vehicles, machinery and equipment	5-20

In accordance with current accounting standards capital assets are reviewed for impairment. Impairment occurs when there is a significant decline in asset service utility due to the occurrence of a prominent event or change in circumstances affecting the asset. Current standards provide guidance for accounting and reporting for impairment and for insurance recoveries.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued

8. *Long-term obligations*

Long-term debt and other long-term obligations, which are reported as liabilities in the governmental activities column in the Statement of Net Assets, consist of general and special obligation bonds, liabilities for compensated absences, claims and judgments, and long-term liabilities to other governmental entities.

9. *Deferred bond issuance costs*

Bond issuance costs are reported as deferred charges and amortized as required by current standards. Governmental fund types recognize bond issuance costs as expenditures during the current period. Those issuance costs, whether or not withheld from the actual debt proceeds received, are reported as expenditures in the appropriate fund.

10. *Compensated absences*

The Municipality's employees accumulate vacation, sick leave and compensatory time based on continuous service. Compensated absences are recorded as a liability if (1) are earned on the basis of services already performed by employees, (2) it is probable that will be paid (in the form of paid time off, cash payments at termination or retirement, or some other means) and (3) are not contingent on a specific event (such as illness). The compensated absences are accumulated on the basis of 2½ days per month of vacation and 1½ days per month of sick pay and compensatory time up to a maximum of 60 days of vacations and 90 days of sick leave. Upon separation from employment the accumulated vacations are liquidated up to the maximum number of days. Accumulated sick leave, which is accrued based on all vesting amounts for which payment is probable, is liquidated to employees with 10 years or more service up to the maximum number of days.

The accrual of compensated absences includes estimated payments that are related to payroll. The entire compensated absence liability is reported on the government-wide financial statements. For governmental fund financial statements, the current portion of unpaid compensated absences is the amount that is normally expected to be paid using expendable available financial resources. The non-current portion of the liability is not reported.

Pursuant to Law No. 152 of August 20, 1996 effective July 1, 1997 the Municipality is required to pay any excess of vacations and sick leave accumulated over 90 days as of December 31 of each year. Payments should be made on or before March 31 of the following year.

11. *Fund balances and Net Assets*

a. Fund balances:

In the fund financial statements, governmental funds report reserved and unreserved fund balances. Reservations of fund balances represent portions that are legally segregated for a specific future use or are not appropriated for expenditure. The Municipality has the following reservations of fund balances:

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued

Encumbrances:	Represent future expenditures under purchase orders and other commitments, which generally will become liabilities in future periods as the goods or services are received.
Debt Service:	Represent net assets available to finance future debt service payments.
Capital Projects:	Represent amounts to be used for future expenditures for capital projects under contracts and other commitments. These commitments generally will become liabilities in future periods as the projects are completed.
Other specified purposes:	Represent amounts to be used for future expenditures of Federal and Commonwealth's grants to be used to finance activities other than construction or capital improvement commitments

Fund balance unreserved-designated represents amounts that Management has identified for future spending and not legally segregated.

b. Net assets

In the government-wide statements net assets are segregated into three categories:

Invested in capital assets, net of related debt:	Consist of capital asset balances net of accumulated depreciation and outstanding balances of any bonds, notes and other borrowings that are attributable to the acquisition, construction, or improvement of those assets. This category should not include cash that is restricted to capital asset acquisition or construction (unspent bond proceeds) and any unamortized debt issue costs.
Restricted net assets:	Represent net assets (restricted assets net of related debt) that are subject to restrictions beyond the Municipality's control. These include restrictions that are externally imposed (by creditors, grantors, contributors, or laws and regulations of other governments) or restrictions imposed by the law through constitutional provisions or enabling legislation (including enabling legislation passed by the government itself).
Unrestricted net assets:	Represent net assets that do not meet the definition of net assets invested in capital assets, net of related debt or restricted. Unrestricted assets are often designated to indicate that management does not consider them to be available for general operations. These types of constraints are internal and management can remove or modify them. Designations are not reported on the face of the statement of net assets.

12. *Interfund transactions*

The Municipality reports certain transactions as transfers, which are legally required transfers that are reported when incurred as "Transfers-in" by the recipient fund and as "Transfers-out" by the disbursing fund.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – Continued

13. *Risk financing*

The Puerto Rico Treasury Department (PRDT) acts as an agent, obtaining and determining the coverage for the municipalities of Puerto Rico. The coverage for the Municipality of Hormigueros consists of professional, public responsibility, property and theft, auto and fidelity bond coverage. Insurance policies costs are allocated by PRDT among all the municipalities of Puerto Rico. Payment of the Municipality's insurance premiums is monthly deducted from advances of property tax and amounts of municipal equalization fund sent to the Municipality by the Municipal Revenue Collection Center (CRIM). Workers compensation insurance is also deducted from the monthly advances by the CRIM. Settled cases have not exceeded insurance coverage for any of the past three years.

14. *Use of estimates*

The preparation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the basic financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

15. *Future adoption of accounting pronouncements*

The GASB has issued the following statements, which the Municipality has not yet adopted:

	<u>Statement</u>	<u>To be Adopted in Fiscal year ended,</u>
51	Accounting and Financial Reporting for Intangible Assets	June 30, 2010
53	Accounting and Financial Reporting for Derivative Instruments	June 30, 2010
54	Fund Balance Reporting and Governmental Fund Type Definition	June 30, 2011

The impact of these statements in the Municipality's basic financial statements has not yet been determined.

NOTE B – CUSTODIAL CREDIT RISK - DEPOSITS

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Municipality maintains cash deposits in commercial and governmental banks located in Puerto Rico.

(Continues)

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE B – CUSTODIAL CREDIT RISK – DEPOSITS - CONTINUED

Under Commonwealth of Puerto Rico statutes, public funds deposited in commercial banks must be fully collateralized for the amount deposited in excess of federal deposit insurance. All securities pledged as collateral by the Municipality are held by the Secretary of Treasury of Puerto Rico in the Municipality's name. At year-end the Municipality's bank balance in commercial banks amounts to \$5,724,423.

Deposits in governmental banks (all of which are uninsured and uncollateralized), are exposed to custodial credit risk. At year-end the Municipality's bank balance in governmental banks amounts to \$2,562,741.

NOTE C – INVESTMENT HELD WITH FISCAL AGENT

The investment held with fiscal agent consists of a non-participating investment contract (non-rated guaranteed investment contract, "GIC"). This represents the investment of the undisbursed proceeds of the \$3,000,000 special obligation bond under custody of GDB, the Municipality's fiscal agent, pursuant to the bond purchase agreement. The GIC, with an outstanding balance of \$733,350 as of June 30, 2009, earns interest at a variable rate (LIBOR minus .125%, .9818% as of June 30, 2009) and matures on July 15, 2009. The GIC outstanding balance is valued at cost.

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. In compliance with the laws and regulations of the Commonwealth, the Municipality has adopted, as its custodial and credit risk policy, the Statement of Investment Guidelines for the Government of the Commonwealth of Puerto Rico. Accordingly, the Municipality invests only in obligations of the Commonwealth, obligations of the United States of America, certificates of deposits, commercial paper, bankers' acceptances, or in pools of obligations of the municipalities of Puerto Rico, which are managed by GDB. According to the aforementioned investment guidelines, the Municipality does not invest in marketable securities or any types of investments for which credit risk exposure may be significant. Therefore, the Municipality's management has concluded that the risk related to any possible loss related to defaults on the Municipality's investments are considered low at June 30, 2009.

NOTE D – RECEIVABLES - LEASE

The Municipality is a lessor of a property, which consist of a building facility, classified as direct financing lease. The lease term is for twenty years under a noncancelable lease agreement. The following shows the component of the net investment in direct financing lease as of June 30, 2009:

	Amount
Total minimum lease payments to be received	\$ 361,722
Less: Unearned income	(70,999)
Net investment in direct financing lease	\$ 290,723

At June 30, 2009, minimum lease payments for each of the five succeeding fiscal years are as follows:

Year	Amount
2010	\$ 76,152
2011	76,152
2012	76,152
2013	76,152
2014	57,114
	\$ 361,722

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE E - DUE FROM (TO) GOVERNMENTAL ENTITIES

1. Amounts due from governmental entities as of June 30, 2009 follows:

	Commonwealth Government	Federal Government
<u>Major fund - General fund:</u>		
P.R. Electric Power Authority (PREPA)	\$ 166,298	\$ -
P.R. Department of Treasury – Christmas bonus reimbursement	115,899	-
P.R. Department of Education	39,800	-
P.R. Department of Treasury – sales and use taxes- Municipal Development fund	58,109	-
P.R. Department of Labor – Law No. 52 and 82	40,977	-
Others	11,843	-
<u>Major fund – CDBG fund:</u>		
Office of Commissioner of Municipal Affairs – CDBG	-	188,065
<u>Major fund – Commonwealth Legislature Resolutions fund:</u>		
Commonwealth Legislative Resolutions	5,468	-
<u>Major fund – Debt service fund:</u>		
Municipal Revenue Collection Center (CRIM) – property taxes	130,714	-
P.R. Department of Treasury – sales and use taxes- Municipal Redemption Fund	81,553	-
<u>Major fund – Lavadero Sanitary Sewer System fund:</u>		
P.R. Infrastructure Financing Authority (PRIFA) – “Brisas de Lavadero”	25,611	-
<u>Major fund – \$3,000,000 Bond issuance fund:</u>		
Government Development Bank - interest	1,500	-
<u>Other governmental funds:</u>		
P.R. Infrastructure Financing Authority (PRIFA)	37,443	-
P.R. Infrastructure Financing Authority (PRIFA) – PINI Funds	27,340	-
P.R. Public Housing Administration (PRPHA) – Lavadero Multipurpose Center	45,000	-
Solid Waste Authority-Landfill improvements	167,500	-
P.R. Department of Family – Child Care	-	21,496
P.R. Department of Health – HOPWA	-	17,134
Office of Public Safety Affairs- Homeland Security Grant Program	-	16,868
Others	-	11,650
	\$ 955,055	\$ 255,213

See note H for detail of amounts due from Governmental Entities recorded as deferred revenue.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE E - DUE FROM (TO) GOVERNMENTAL ENTITIES – Continued

2. Amounts due to governmental entities as of June 30, 2009 follows:

	Commonwealth Entities
P.R. Aqueduct and Sewer Authority (PRASA)	\$ 25,147
General Services Administration	2,917
	\$ 28,064

NOTE F - INTERFUND TRANSACTIONS

1. Due from/to other funds

Amounts due from/to other funds represent temporary advances to other funds by the general fund payroll and payroll taxes expenditures, as follows:

<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
General Fund	<u>Major fund:</u>	
	CDBG	\$ 4,859
	<u>Major fund:</u>	
	Commonwealth Legislature Resolutions	5,468
	<u>Other governmental funds:</u>	
	\$840,000 Bond Issuance	30,000
	Homeland Security Grant Program	17,330
	Infrastructure Financing Authority	37,443
	Child Care	23,539
	Solid Waste Authority	18,000
	P.R. Public Housing Administration	13,320
	HOPWA	18,780
	Others	11,754
Other governmental funds - Section 8	<u>Major fund</u> General Fund	484
Total:		\$ 180,977

2. Transfers in (out)

Transfers among individual funds were made for operational purposes. Transfers include (1) interest earned on restricted cash with fiscal agent in the debt service fund and operating and capital improvement loans in other governmental funds which are transferred to the general fund, and (2) principal and interest payments of general long-term debt transferred from the general fund to the debt service fund.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE G - CAPITAL ASSETS

Capital assets and depreciation activity as of and for the year ended June 30, 2009 is as follows:

	<u>Balance July 1, 2008</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balance June 30, 2009</u>
<u>Governmental activities:</u>				
Capital assets, not being depreciated:				
Land	\$ 7,577,389	\$ 125,106	\$ -	\$ 7,702,495
Construction in progress	7,065,033	3,221,130	585,349	9,700,814
Total capital assets not being depreciated:	14,642,422	3,346,236	585,349	17,403,309
Capital assets, being depreciated:				
Land improvements	1,046,506	-	-	1,046,506
Buildings and building improvements	22,026,686	651,119	-	22,677,805
Infrastructure	11,114,154	246,883	8,181	11,352,856
Vehicles, machinery and equipment	7,560,520	770,523	106,811	8,224,232
Total capital assets being depreciated	41,747,866	1,668,525	114,992	43,301,399
Less accumulated depreciation for:				
Land improvements	316,781	36,003	-	352,784
Buildings and building improvements	6,718,050	614,404	-	7,332,454
Infrastructure	4,336,942	582,124	7,022	4,912,044
Vehicles, machinery and equipment	4,426,371	571,131	96,897	4,900,605
Total accumulated depreciation	15,798,144	1,803,662	103,919	17,497,887
Total capital assets being depreciated, net	25,949,722	(135,137)	11,073	25,803,512
Governmental activities capital assets, net	<u>\$ 40,592,144</u>	<u>\$ 3,211,099</u>	<u>\$ 596,422</u>	<u>\$ 43,206,821</u>

Depreciation expense was charged to functions/programs of the Municipality as follows:

Governmental activities:

General government	\$ 226,328
Public works and sanitation	743,754
Public safety	140,397
Culture and recreation	534,927
Health	12,243
Welfare and community development	129,620
Education	16,393
Total depreciation expense, governmental activities	<u>\$ 1,803,662</u>

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE H - DEFERRED REVENUES – Commonwealth Government and Federal Grants

Deferred revenues - Commonwealth Government represent revenues not available as required by current standards and for Federal Grants represent resources received before allowable expenditures are incurred or resources not available as required by current standards. A detail of these balances follows:

	Commonwealth Government	Federal Grants
<u>Major fund - General fund:</u>		
P.R. Electric Power Authority (PREPA)	\$ 166,298	\$ -
P.R. Department of Treasury – Christmas bonus reimbursement	115,899	-
P.R. Department of Education	10,600	-
P.R. Department of Treasury – sales and use taxes - Municipal Development Fund	36,191	-
P.R. Department of Labor – Law No. 52 and 82	6,069	-
<u>Major fund – CDBG fund:</u>		
Office of Commissioner of Municipal Affairs – CDBG	-	170,700
<u>Major fund – Commonwealth Legislature Resolutions fund:</u>		
Commonwealth Legislative Resolutions	5,468	-
<u>Major fund – Debt service fund:</u>		
P.R. Department of Treasury – sales and use taxes – Municipal Redemption Fund	36,191	-
<u>Major fund – Lavadero Sanitary Sewer System fund:</u>		
P.R. Infrastructure Financing Authority (PRIFA) – “Brisas de Lavadero”	25,611	-
<u>Other governmental funds:</u>		
P.R. Infrastructure Financing Authority (PRIFA)	37,443	-
P.R. Public Housing Administration (PRPHA) – Lavadero Multipurpose Center	45,000	-
P.R. Department of Education – Food Program	-	10,375
U.S. Department of Transportation – Federal Transit	-	7,329
	\$ 484,770	\$ 188,404

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE I – LONG-TERM DEBT

1. Summary of long-term debt activity

The following summarizes activity in long-term debt for the fiscal year ended June 30, 2009:

	<u>Balance at July 1, 2008</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balance at June 30, 2009</u>	<u>Due within one year</u>
General, Special Obligations Bonds and Notes	\$ 16,067,555	\$ 385,000	\$ 692,555	\$ 15,760,000	\$ 790,000
Note payable to CRIM- LIMS	109,154	-	28,936	80,218	30,684
Note payable to CRIM- financing of delinquent accounts	4,785	-	199	4,586	199
Note payable to FEMA	91,132	-	91,132	-	-
Note payable to Puerto Rico Treasury Department	725,829	-	725,829	-	-
Compensated absences	1,329,275	220,725	179,893	1,370,107	180,972
Christmas Bonus	224,532	235,134	224,532	235,134	235,134
Judgments and legal claims	40,000	-	40,000	-	-
Estimated Landfill Closing Costs	1,137,701	37,303	-	1,175,004	-
Payable to CRIM- property tax advances	61,338	298,959	-	360,297	61,338
Payable to PREPA	130,803	100,896	65,401	166,298	65,402
	<u>\$ 19,922,104</u>	<u>\$ 1,278,017</u>	<u>\$ 2,048,477</u>	<u>\$ 19,151,644</u>	<u>\$ 1,363,729</u>

2. General and special obligation bonds and notes

The Municipality's outstanding general and special obligation bonds and notes at June 30, 2009 amount to \$15,760,000. All these bonds are serviced by the Governmental Development Bank of Puerto Rico (GDB) maturing at various dates. As required by law, the Commonwealth Government is obligated to collect property taxes for payment of principal and interest on bonds and notes. In addition, .2% of the .5% municipal sales and use tax collected by the P.R. Department of Treasury is deposited in a "Municipal Redemption Fund" to finance loans to Municipalities subject to restrictions imposed by law. Debt service funds has been established for the bonds and notes at GDB with the proceeds of those property and sales and use taxes, whereby sufficient funds must be set aside in order to cover the projected debt service requirement, before any new bonds are issued. Principal and interest payments of \$690,000 Revenue bonds are made through an "Interest Bearing Account" (IBA) maintained by GDB, which is financed with proceeds from lessee's rental payments.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE I – LONG-TERM DEBT – Continued

Principal and interest payments of certain long-term debt issued for operational purposes (special obligation note of \$748,000 and special obligation bonds of \$3,000,000 and \$203,000) are made through withholdings from the advances of property tax and amounts of municipal equalization fund sent to the Municipality by the Municipal Revenue Collection Center (CRIM). Principal and interest payments of special obligation notes of \$305,000, \$139,000, \$1,027,000 and \$385,000 are made through the “Municipal Redemption Fund”. A detail of the general and special obligation bonds and notes as of June 30, 2009 follows:

	Outstanding Amount
1994 public improvement bonds of \$125,000 due in annual installments of \$3,000 to \$10,000 through January 1, 2019; bearing interest at 5%	\$ 73,000
1992 public improvement bonds of \$168,000 due in annual installments of \$2,000 to \$17,000 through January 1, 2017; bearing interest at 5%	96,000
1997 general obligation bonds of \$175,000 due in annual installments of \$5,000 to 15,000 through July 1, 2021; bearing interest at rates ranging from 4.865% to 6.56% (5.78% at June 30, 2009)	115,000
1996 general obligation bonds of \$390,000 due in annual installments of \$5,000 to \$40,000 through July 1, 2020; bearing interest at rates ranging from 4.70% to 6.63% (6.20 % at June 30, 2009)	280,000
1999 general obligation bonds of \$410,000 due in annual installments of \$5,000 to \$35,000 through July 1, 2024; bearing interest at rates ranging from 2.70% to 7.81% (4.10% at June 30, 2009)	335,000
2001 general obligation bonds of \$425,000 due in annual installments of \$5,000 to \$40,000 through July 1, 2025; bearing interest at rates ranging from 2.70% to 6.13% (4.10% at June 30, 2009)	365,000
1999 general obligation bonds of \$736,000 due in annual installments of \$19,000 to \$52,000 through January 1, 2024; bearing interest at 4.75%	576,000
1998 general obligation bonds of \$983,000 due in annual installments of \$23,000 to \$65,000 through January 1, 2024; bearing interest at 4.5%	729,000
2002 general obligation bonds of \$1,000,000 due in annual installments of \$21,000 to \$65,000 through January 1, 2030; bearing interest at 4.50%	905,000

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE I – LONG-TERM DEBT – Continued

	<u>Outstanding Amount</u>
2000 general obligation bonds of \$1,040,000 due in annual installments of \$27,000 to \$76,000 through January 1, 2025; bearing interest at 5.12%	\$ 858,000
1997 general obligation bonds of \$1,538,000 due in annual installments of \$41,000 to \$109,000 through January 1, 2022; bearing interest at 4.75%	1,089,000
1992 revenue bonds of \$690,000 due in annual installments of \$5,000 to \$25,000 through July 1, 2013; bearing interest at 9%	200,000
2004 general obligation bonds of \$530,000 due in annual installments of \$15,000 to \$40,000 through July 1, 2024; bearing interest at rates ranging from 3.28% to 5.00% (4.38% at June 30, 2009)	460,000
2004 general obligation bonds of \$1,355,000 due in annual installments of \$35,000 to \$85,000 through July 1, 2029; bearing interest at rates ranging from 3.50% to 5.00% (4.38% at June 30, 2009)	1,210,000
2005 special obligation notes of \$748,000 due in annual installments of \$92,000 to \$124,000 through July 1, 2012; bearing interest at rates ranging from 5.00% to 7.50% (5.40% at June 30, 2009)	460,000
2006 general obligation bonds of \$920,000 due in annual installments of \$20,000 to \$70,000 through July 1, 2030; bearing interest at rates ranging from 4.17% to 5.31% (4.38% at June 30, 2009)	860,000
2007 general obligation bonds of \$840,000 due in annual installments of \$10,000 to \$75,000 through July 1, 2031; bearing interest at rates ranging from 6.60% to 7.50% (5.40% at June 30, 2009)	815,000
2007 general obligation notes of \$525,000 due in annual installments of \$60,000 to \$90,000 through July 1, 2014; bearing interest at rates ranging from 3.93% to 7.50% (5.40% at June 30, 2009)	465,000
2008 general obligation notes of \$400,000 due in annual installments of \$45,000 to \$70,000 through July 1, 2014; bearing interest at rates ranging from 3.93% to 7.25% (5.40% at June 30, 2009)	355,000

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE I – LONG-TERM DEBT – Continued

	Outstanding Amount
2008 general obligation bonds of \$569,000 due in annual installments of \$40,000 to \$77,000 through July 1, 2017; bearing interest at rates ranging from 3.93% to 7.50% (5.40% at June 30, 2009)	\$ 529,000
2008 special obligation notes of \$305,000 due in annual installments of \$45,000 to \$60,000 through July 1, 2014; bearing interest at rates ranging from 3.93% to 7.50% (5.40% at June 30, 2009)	305,000
2008 special obligation notes of \$139,000 due in annual installments of \$2,000 to \$11,000 through July 1, 2032; bearing interest at 7.25%	139,000
2008 special obligation notes of \$1,027,000 due in annual installments of \$16,000 to \$87,000 through July 1, 2032; bearing interest at rates ranging from 7.00% to 7.25% (5.40% at June 30, 2009)	1,027,000
2007 special obligation bond of \$3,000,000 due in annual installments of \$60,000 to \$205,000 through July 1, 2032; bearing interest at 5.83%	2,940,000
2007 special obligation bond of \$203,000 due in annual installments of \$14,000 to \$27,000 through July 1, 2017; bearing interest at rates ranging from 3.93% to 7.50% (5.40% at June 30, 2009)	189,000
2008 special obligation notes of \$385,000 due in annual installments of \$5,000 to \$30,000 through July 1, 2033; bearing interest at 7.50%	385,000
	\$ 15,760,000

The annual requirements to amortize general and special obligation bonds and notes as of June 30, 2009 follows:

June 30,	Principal	Interest
2010	\$ 790,000	\$ 842,321
2011	831,000	840,493
2012	888,000	794,840
2013	943,000	739,217
2014	838,000	690,358
2015-2019	3,675,000	3,438,673
2020-2024	3,525,000	1,737,917
2025-2029	2,533,000	918,927
2030-2034	1,737,000	233,833
Totals	\$ 15,760,000	\$ 10,236,579

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE I – LONG-TERM DEBT – Continued

3. Other long-term liabilities

	Outstanding Amount
<p>Note payable to CRIM (LIMS) - On November 28, 2001 the Municipality entered into a financing agreement with the CRIM in the amount of \$261,009 for the payment of the Municipality's share of the cost of a management information system (LIMS) acquired by the CRIM for the management of taxpayer's properties located in Puerto Rico. The note is payable in semiannual installments of \$17,503, including interest of 5.95%, and is due on November 28, 2011. The amount will be repaid with unrestricted funds through withholdings from the advances of property tax and amounts of municipal equalization fund sent to the Municipality by the Municipal Revenue Collection Center. Debt service requirements in future years are as follows:</p>	<p>\$ 80,218</p>

June 30,	Principal	Interest
2010	\$ 30,684	\$ 4,171
2011	32,536	2,309
2012	16,998	421
Totals	\$ 80,218	\$ 6,901

<p>Note payable to CRIM (Financing of delinquent accounts) - On March 19, 2002 the Municipality entered into a financing agreement with the CRIM in the amount of \$158,431 to finance delinquent property tax accounts sold to private investors, under the provisions of Law No. 146 of October 11, 2001. The agreement is in the form of a non-revolving line of credit bearing interest of 6.5% for the first five years and variable for the next 25 years at 125 points over London Interbank Offered Rate (LIBOR) and is due on December 1, 2032. As described in Law No. 146, interest payments for the first five years were financed through .48% of the net increase of subsidy provided by the Commonwealth of Puerto Rico's general fund. Also, during the first five years any collection from those delinquent accounts was credited to the loan principal. After the five-year period the loan outstanding balance was restructured for a twenty-five year period. The amount is repaid with unrestricted funds through withholdings from the advances of property tax and amounts of municipal equalization fund sent to the Municipality by the Municipal Revenue Collection Center. Debt service requirements in future years are as follows:</p>	<p>\$ 4,586</p>
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**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE I – LONG-TERM DEBT – Continued

<u>June 30,</u>	<u>Principal</u>	<u>Interest</u>
2010	\$ 199	\$ 282
2011	199	270
2012	199	257
2013	199	245
2014	199	245
2015-2019	997	1,038
2020-2024	997	728
2025-2029	997	419
2030-2034	600	65
Totals	<u>\$ 4,586</u>	<u>\$ 3,549</u>

Compensated absences - includes accrued vacations, sick leave benefits and other benefits with similar characteristics such as compensatory time, represents the Municipality's commitment to fund such costs from future operations. Amount is paid with unrestricted funds	\$ 1,370,107
Christmas Bonus - represents the accrued portion corresponding to fiscal year 2008-2009 of the Christmas bonus to be paid in December 2009	\$ 235,134
Estimated closure and post-closure care costs of Municipal Landfill - The Municipality owns and operates a MSW landfill in Barrio Jaguitas, Hormigueros since about 1977. The Municipality has recognized an estimated liability for future closure and post-closure care costs. (See note J)	\$ 1,175,004
Payable to CRIM, property tax advances – represents amount reported by CRIM on preliminary settlement of excess of advances over actual collections of property taxes applicable to fiscal years 2007-2008 and 2008-2009. (See related note K)	\$ 360,297

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE I – LONG-TERM DEBT – Continued

Payable to PREPA - As required by Act No. 83 of May 2, 1941 the Puerto Rico Electric Power Authority (“PREPA”) should annually pay to the Municipalities of Puerto Rico a contribution in lieu of tax (“CELI”) based on certain requirements as specified by the mentioned Act. The amount of CELI obligation is used by the Municipalities to finance the annual electric utility expense payment to PREPA. For fiscal year 2006-2007 the Municipality’s annual energy charges amounted to \$914,253 but the CELI obligation determined by PREPA amounted to \$718,049. As communicated by PREPA the excess amount of \$196,204 was recorded as a payable to the Municipality and will be amortized over a three-year period against the corresponding receivable for the same amount. As of June 30, 2008 the outstanding amount of \$ 65,402 is recognized by the Municipality as a receivable and a liability to PREPA. For fiscal year 2007-2008 the Municipality’s annual energy charges amounted to \$1,065,676 but the CELI obligation amounted to \$964,780. The excess amount of \$100,896 was also recorded as a payable and a receivable for the same amount. No amortization period was established by PREPA. Debt service requirements in future years are as follows:

\$ 166,298

June 30	Principal
2010	\$ 65,402
2011-2015	100,896
Totals	\$ 166,298

NOTE J- LANDFILL CLOSURE AND POSTCLOSURE CARE COSTS OBLIGATIONS

The Municipal operates a landfill since 1977. Commonwealth and Federal laws and regulations require the Municipality to place a final cover on its landfill when it stops accepting waste and perform certain maintenance and monitoring functions at the landfill site for thirty years after closure. In addition to operating expenses related to current activities of the landfill, an expense provision and related liability should be recognized based on the future closure and post closure care costs that will be incurred near or after the date the landfill no longer accepts waste.

The Municipality has performed a study of the activities that need to be implemented at the Municipality’s landfill to comply with applicable laws and regulations. As a result of this study, the Municipality has recognized an estimated liability for future closure and post-closure care costs. The recognition of this liability is based on the amount of the landfill used during the year. The estimated liability for landfill closure and post-closure care costs has a balance of \$1,175,004 as of June 30, 2009, which is based on 54% usage of the landfill. It is estimated that an additional \$988,495 will be recognized as closure and post-closure care expenditures between the date of the balance sheet and the date the landfill is expected to be filled to capacity (December 2035).

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

**NOTE J - LANDFILL CLOSURE AND POSTCLOSURE CARE COSTS OBLIGATIONS –
Continued**

The estimated total current costs of the landfill closure and post-closure care (\$2,163,499) is based on the amount that would be paid if all the equipment, facilities and services required to close, monitor and maintain the landfill were acquired as of June 30, 2009. However, the actual cost of closure and post-closure care may be higher due to inflation, changes in technology, or changes in landfill laws and regulations.

NOTE K - PROPERTY TAXES

The Municipal Revenue Collection Center (CRIM) of the Commonwealth of Puerto Rico is responsible for the assessment, collection and distribution of real and personal property taxes. The tax on personal property is self-assessed by the taxpayer. The assessment is made on a return, which must be filed with the CRIM by May 15 of each year and is based on the current value at the date of the assessment. Real property is assessed by the CRIM. The tax is general assessed on January 1 on all taxable property located within the Municipality and is based on the current value existing in the year 1957. For personal property the tax is due with the return filed on or before May 15. Taxes on real property may be paid on two equal installments, July 1st and January 1st. Total tax rates in force as of June 30, 2009 are 7.03% for personal property and 9.03% for real property. The distribution of these rates follows:

<u>Description</u>	<u>Personal Property</u>	<u>Real Property</u>
Basic property tax rate, which is appropriated for general purposes and accounted in the Municipality's general fund:	4.00%	6.00%
Percent that belongs to the Commonwealth's debt service fund:	1.03%	1.03%
Percent that belongs to the Municipality's debt service fund:	<u>2.00%</u>	<u>2.00%</u>
Total tax rate:	7.03%	9.03%
Discount granted by law to the taxpayers but reimbursed to the Municipality by the P.R. Treasury Department:	<u>(.20%)</u>	<u>(.20%)</u>
Total percent to be paid by taxpayers:	<u><u>6.83%</u></u>	<u><u>8.83%</u></u>

Residential real property occupied by its owner is exempt by law from property taxes on the first \$15,000 of the assessed value. For such exempted amounts, the Puerto Rico Department of Treasury assumes payment of the basic tax to the Municipality, except for residential units assessed at less than \$3,500 on which a complete exemption is granted. Revenue related to exempt property is recorded in the General Fund. The Municipality grants a complete exemption from personal property taxes up to an assessment value of \$50,000 to retailers with annual net sales of less than \$150,000.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE K - PROPERTY TAXES – Continued

The CRIM advances funds to the Municipality based on an estimate of special governmental subsidies and the property taxes to be levied and which are collected in subsequent periods. This distribution includes advances of property tax and amounts of municipal equalization fund from the Commonwealth government. The CRIM is required by law to prepare a settlement statement on a fiscal year basis, whereby a comparison is made between the amounts advanced to the Municipality and amounts actually collected from taxpayers. The CRIM prepares a preliminary settlement not later than three months after fiscal year-end and a final settlement not later than six months after fiscal year-end. If actual collections exceed the advances a receivable from CRIM is recorded. However, if advances exceed actual collections, a payable to CRIM is recorded. A net payable of \$61,338 resulting from the preliminary settlement for fiscal year 2007-2008 and an additional payable of \$298,959 resulting from the preliminary settlement for fiscal year 2008-2009 are recorded as other long-term debt in the government-wide statement since they will not be paid with current available financial resources.

NOTE L - MUNICIPAL LICENSE TAXES

Municipal License taxes are assessed annually by the Municipality to all organizations or entities subject to the tax doing business in the Municipality's location except for entities totally or partially exempt pursuant to certain Commonwealth's statutes. This tax is based generally on volume of business or gross sales as shown in a tax return that should be submitted on or before April 15. During the fiscal year ended June 30, 2009 the tax rates were as follows:

Financial business - 1.50% of gross revenues
Other organizations - .50% of gross revenues

The tax is due in two equal installments on July 1 and January 1 of each fiscal year. Tax revenue is recognized at that moment by the Municipality. A discount of 5% is allowed when full payment is made on or before April 15. Municipal license taxes collected prior to June 30 but pertaining to the next fiscal year in the amount of \$955,160 are recorded as deferred revenues.

NOTE M - SALES AND USE TAXES

On July 4, 2006 the Commonwealth Legislature approved Act No. 117 ("Act 117") which amends the Puerto Rico Internal Revenue Code of 1994 to provide, among other things, for a sales and use tax of 5.5% to be imposed by the Commonwealth Government. Act 117 also authorizes each municipal government to impose a municipal sales and use tax of 1.5%. This municipal sales and use tax has in general the same tax base and limitations (except for unprocessed foods) as those provided by the Commonwealth's sales and use tax.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS
NOTES TO FINANCIAL STATEMENTS**

June 30, 2009

NOTE M - SALES AND USE TAXES - Continued

Section 6189 of the Puerto Rico Internal Revenue Code of 1994, as amended, authorizes the Municipalities in Puerto Rico to impose a sales and use tax to consumers. This tax must be imposed in conformity with the base, exemptions and limitations contained in Subtitle BB of the Code. The municipal sales and use tax is specifically imposed over all sales transactions of taxable items and combined transactions (as defined by the municipal internal regulation) taken place within municipal limits. The municipal sales and use tax is also specifically imposed over the purchase price for the use, storage or consumption of taxable transactions (as defined by the municipal internal regulation) taken place within Municipal limits. The Municipal Legislature approved the imposition of the municipal sales and use tax on November 1, 2006 with Ordinance No. 36 Series 2006-2007, effective on November 15, 2006.

On July 29, 2007 the Commonwealth Legislature approved Act No. 80 ("Act 80") which amended Act No. 117 of July 4, 2006 to impose to all the Municipalities of Puerto Rico a uniform municipal sales and use tax of 1.5%. Effective August 1, 2007 1% of the 1.5% is collected by the Municipalities and the remaining .5% of the 1.5% is collected by the Puerto Rico Department of Treasury (PRDT). Act 80 also provides for restrictions on the use of the sales tax, which is required to be invested in solid waste and recycling programs, capital improvements and health and public safety costs.

The amount collected by the PRDT (the remaining .5% of the 1.5%) is deposited in accounts or special funds in the Governmental Development Bank of Puerto Rico ("GDB"), subject to restrictions imposed and distributed as follows:

- .2% of the .5% will be deposited in a "Municipal Development Fund" to finance costs as restricted by the Act,
- .2% of the .5% will be deposited in a "Municipal Redemption Fund" to finance loans to Municipalities subject to restrictions imposed by the Act and,
- .1% of the .5% will be deposited in a "Municipal Improvement Fund" to finance capital improvement projects; these funds will be distributed based on legislation from the Commonwealth's Legislature

The Municipal Legislature approved an amendment to Municipal Ordinance No. 22 Series 2006-2007 to conform to dispositions of Act 80.

Individuals, organizations and entities subject to collect the municipal sales and use tax must file a tax return to the Municipality. Tax is due each 20th day of each month based on tax collected in the preceding month. A total \$119,432 sales and use tax receivable represents the tax collected on June by individuals, organizations and entities but reported and paid to the Municipality on or before July 20, net of uncollectible accounts; \$58,109 and \$81,553 represents amounts of "Municipal Development Fund" and "Municipal Redemption Fund", respectively, collected on June by individuals, organizations and entities but paid by the PRDT subsequent to June 30. The amount of \$36,191 (related to Municipal Development Fund) and \$36,191 (related to Municipal Redemption Fund) are recorded as deferred revenue since is not available as required by current standards.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE N - INTERGOVERNMENTAL REVENUES

Intergovernmental revenues in the General Fund are comprised of the following:

	<u>Amount</u>
Amount of municipal equalization fund sent by CRIM	\$ 2,333,020
Compensation in lieu of tax from the Puerto Rico Electric Power Authority (PREPA)	1,153,788
P.R. Department of Labor – Law No. 52	202,359
P.R. Department of Labor – Law No. 82	112,595
Reimbursement from P.R. Department of Treasury - Christmas Bonus	179,124
	<u>\$ 3,980,886</u>

NOTE O - RETIREMENT PLAN

1. Plan description

Regular employees of the Municipality contribute to a cost-sharing multiple employer defined benefit retirement plan, administered by the Employee's Retirement System of the Government of Puerto Rico and its Instrumentalities (ERS). ERS covers all regular full time public employees working for the central government, the municipalities of Puerto Rico and certain public corporations not having their own retirement systems. The system provides retirement pensions, death and disability benefits.

Retirement benefits depend upon age at retirement and number of years of credited service. Disability retirement benefits are available to members of occupational and non-occupational disabilities. Benefits vest after ten years of plan participation. The system was created under Act 447, approved on May 15, 1951, as amended, and became effective on January 1, 1952. Retirement benefits are determined by the application of stipulated benefit ratios to the member's average compensation. Average compensation is computed based on the highest 36 months of compensation recognized by ERS. The annuity, for which a plan member is eligible, is limited to a minimum of \$200 per month and a maximum of 75% of the average compensation. ERS issues a publicly financial report that includes financial statements and required supplementary information of the Plan, which may be obtained from the ERS.

Law No. 305 of September 24, 1999 amended the Act No. 447 of 1951 and was enacted with the purpose of establishing a new pension program (System 2000). The new pension program became effective on January 1, 2000. Employees participating in the current system as of December 31, 1999 may elect either to stay in the defined benefit plan or transfer to the new program. Persons joining the government on or after January 1, 2000 will only be allowed to become members of the new program.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE O - RETIREMENT PLAN - Continued

System 2000 is a hybrid defined contribution plan, also known as a cash balance plan. There will be a pool of pension assets, which will be invested by the System, together with those of the current defined benefit plan. Benefits at retirement age will not be guaranteed by the State government and will be subjected to the total accumulated balance of the savings account. The annuity will be based on a formula, which assumes that each year the employee's contribution (with a minimum of 8.275% of the employee's salary up to a maximum of 10%) will be invested in an account which will either: (1) earn a fixed rate based on the two-year Constant Maturity Treasury Note or, (2) earn a rate equal to 75% of the return of the System's investment portfolio (net of management fees), or (3) earn a combination of both alternatives. If the savings accounts balance is \$10,000 or less at time of retirement, the balance will be distributed by the System to the participant as a lump sum. Participants receive periodic account statements similar to those of defined contribution plans showing their accrued balances. Disability pensions are not been granted under the new program. The employer contributions (9.275% of the employee's salary) will be used to fund the current plan. Under System 2000 the retirement age is reduced from 65 years to 60 for those employees who joined the current plan on or after April 1, 1990.

2. Funding policy

The Act 447, as amended, is the authority under which obligations to contribute to the Plan by the Plan members, employers and other contributing entities are established or may be amended. Plan members are required to contribute 5.775% of gross salary up to \$6,600 plus 8.275% of gross salary in excess of \$6,600 except for the Mayor or employee under a supplementation plan, which contributes 8.275% of gross salary. The Municipality is required to contribute 9.275% of gross salary.

The Municipality's actual contribution for the current and the previous two fiscal years, which is equal to the required contribution, follows:

<u>Fiscal year ended:</u>	<u>Law No. 447</u>	<u>System 2000</u>
2009	\$ 170,972	\$ 177,720
2008	<u>\$ 176,198</u>	<u>\$ 146,069</u>
2007	<u>\$ 182,466</u>	<u>\$ 118,653</u>

NOTE P – POSTEMPLOYMENT BENEFITS

In addition to the pension benefits described in Note O, the Municipality is required to cover annually the 3% increase in the retirement plan of its retired employees, as required by Commonwealth's laws. Also, the Municipality is required to finance costs related to the application of certain "Special Laws" issued by the Commonwealth Government. Those Special Laws granted increases in pensions and other benefits to retired employees of the Municipality such as medicines bonus, Christmas bonus and death benefits. Costs related to these post employment benefits amounted to \$85,518 for the year ended June 30, 2009.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE Q - COMMITMENTS

1. Operating leases

The Municipality leases office equipment under operating lease agreements, which generally have terms of one year or less and are automatically renewed for the same terms. Rental expenses amounted approximately \$46,680. Management believes that the summary of the future minimum rental commitments under noncancelable operating leases with terms exceeding one year is not significant.

2. Construction

The Municipality has commitments at June 30, 2009 of approximately \$4,711,935 for construction, improvements or renovation of certain municipal facilities.

NOTE R – FUND BALANCE DEFICITS

Certain special funds disclosed fund balance deficits as follows:

	Amount
Major Funds:	
CDBG	\$ 169,683
“Lavadero” Sanitary Sewer System	\$ 187,320
Other Governmental Funds:	
Infrastructure Financing Authority	\$ 57,356

The deficits result from the accrual of expenditures without accruing intergovernmental revenues for reimbursement of expenditures. As required by current standards, the Municipality recorded intergovernmental revenues for reimbursement-based (expenditure-driven) grants on fund statements when all applicable eligibility requirements have been met and the resources are available.

NOTE S – NET CHANGE IN FUND BALANCE – GENERAL FUND

The Statement of revenues, expenditures and changes in fund balance reported a net change in fund balance for the general fund in the amount of (\$1,735,715), which is composed of the following:

Net change in fund balance, 01 Fund	\$ (1,658,141)
Net change in fund balance, other special funds (with self-imposed restrictions) included as part of the general fund:	(77,574)
	\$ (1,735,715)

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO FINANCIAL STATEMENTS

June 30, 2009

NOTE S – NET CHANGE IN FUND BALANCE – GENERAL FUND - Continued

The negative change in fund balance in 01 Fund resulted from the effect of a fund balance readjustment of \$1,340,351. This represents a readjustment of current year budget with prior year's fund balance resources approved by the Municipal Legislature. Resources to finance other special funds included as part of the general fund were provided in previous years but funds were expended in current year.

NOTE T - CONTINGENCIES

1. *Federal and Commonwealth grants*

Projects financed by Federal and Commonwealth Grants are subject to audits by grantors and other governmental agencies in order to determine its expenditures to comply with the conditions of such grants. It is the Municipality's opinion that no additional material unrecorded liabilities will arise from audits previously performed or to perform.

2. *Litigations*

The Municipality is, at present, a defendant in a number of legal matters that arise in the ordinary course of the Municipality's activities. There are cases whereby the Municipality is a defendant or codefendant that will be covered by insurance, certain cases whereby the legal counsel has not determined an outcome and other cases that will not be covered by insurance. However, it is the opinion of the Municipality and the legal counsels that, based on their experience, such actions and the potential liabilities will not impair the Municipality's financial position.

REQUIRED SUPPLEMENTARY INFORMATION

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

BUDGETARY COMPARISON SCHEDULE - GENERAL FUND
FISCAL YEAR ENDED JUNE 30, 2009

	Budgeted amounts		Actual Amounts (Budgetary Basis) (See Note A)	Variance with Final Budget Positive (Negative)
	Original	Final		
Revenues:				
Taxes:				
Property taxes	\$ 2,946,603	\$ 2,946,603	\$ 3,045,659	\$ 99,056
Municipal license taxes	1,490,692	1,490,692	1,449,765	(40,927)
Sales and use taxes	1,463,000	1,463,000	1,512,447	49,447
Intergovernmental	3,581,975	3,533,201	3,731,333	198,132
Fees, fines and charges for services	929,670	663,447	715,578	52,131
Interest	400,000	400,000	230,750	(169,250)
Other	120,000	121,845	109,292	(12,553)
Total revenues	<u>10,931,940</u>	<u>10,618,788</u>	<u>10,794,824</u>	<u>176,036</u>
Expenditures:				
Current:				
General government	5,346,323	5,942,399	5,975,023	(32,624)
Public works and sanitation	2,441,329	2,874,146	2,808,474	65,672
Public safety	714,611	665,823	664,866	957
Culture and recreation	873,127	984,344	968,829	15,515
Health	357,528	356,928	356,855	73
Welfare and community development	781,645	727,794	720,923	6,871
Education	21,800	15,403	15,214	189
Total expenditures	<u>10,536,363</u>	<u>11,566,837</u>	<u>11,510,184</u>	<u>56,652</u>
Excess (deficiency) of revenues over expenditures	395,577	(948,049)	(715,361)	232,688
Other financing sources (uses):				
Transfers in		-	1,051	1,051
Transfers out	395,577	(392,302)	(392,302)	-
Total other financing sources (uses)	<u>395,577</u>	<u>(392,302)</u>	<u>(391,251)</u>	<u>1,051</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	-	(1,340,351)	(1,106,612)	233,739
Readjustment from prior year fund balance (note S)	-	1,340,351	-	(1,340,351)
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (1,106,612)</u>	<u>\$ (1,106,612)</u>

The accompanying notes to required supplemental information are an integral part of this schedule.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION -
BUDGETARY COMPARISON SCHEDULE - GENERAL FUND**

June 30, 2009

NOTE A - BUDGET PROCESS AND BUDGETARY BASIS OF ACCOUNTING

The Municipal budget is prepared for the General Fund following the requirements of the Autonomous Municipal Law of 1981, as amended. It is developed utilizing elements of performance-based program budgeting and zero-based budgeting and includes estimates of revenues and other sources for ensuing fiscal year under laws existing at the time the budget is prepared.

Budget amendments are approved by the Municipal Legislature. Certain budget transfers within the limitations and restrictions of the Municipal Law can be approved by the Mayor or by the Municipal Legislature. The budget comparison schedule provides information about the original budget, the amended budget and the actual results, under the budgetary basis of accounting.

The budgetary basis of accounting is different from GAAP. Revenues are generally recorded when cash is received and expenditures are generally recorded when the related expenditure is incurred or encumbered. The encumbrances (that is, purchase orders, contracts) are considered expenditures when a commitment is made. On a GAAP basis, encumbrances outstanding at year end are reported in the governmental funds statements as a reservation of fund balance since they do not constitute expenditures or liabilities while on a budgetary basis encumbrances are recorded as expenditures of current year. Encumbrance appropriations lapse one year after the end of the fiscal year. Unencumbered appropriations are lapsed at year-end. The legal level of budgetary control (the level at which expenditures may not legally exceed appropriations) is at the function level.

The presentation of the budgetary data excludes other appropriations such as capital projects, debt service and special revenue funds because projects are funded on a multi-year nature, generally requiring several years to complete or effective budgetary control is alternatively achieved through general obligation bond indentures and legal and contractual grant agreement provisions.

NOTE B - BUDGET READJUSTMENT

The accompanying budgetary comparison schedule - general fund presents a fund balance readjustment of \$1,340,351. This represents a readjustment of current year budget with prior year's budgetary surplus, approved by the Municipal Legislature.

NOTE C - BUDGET TO GAAP RECONCILIATION

The accompanying budgetary comparison schedule presents comparisons of the original and final legally adopted budget with actual data on a budgetary basis. Since accounting principles applied for the purposes of developing data on a budgetary basis differ significantly from those used to present accounting principles generally accepted in the United States, the following budget to GAAP reconciliation is presented:

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION -
BUDGETARY COMPARISON SCHEDULE – GENERAL FUND**

June 30, 2009

NOTE C - BUDGET TO GAAP RECONCILIATION - Continued

Excess of revenues and other financing sources over expenditures and other financing uses (budgetary basis):	\$	(1,106,612)
Budget to GAAP differences:		
Entity differences:		
Non budgeted funds recorded as revenues for financial reporting purposes:		398,306
Non budgeted funds recorded as expenditures for financial reporting:		(475,880)
Basis of accounting differences:		
Revenues recorded for financial reporting purposes but not in budgetary basis:		195,455
Revenues recorded in budgetary basis but not for financial reporting purposes:		(380,350)
Expenditures recorded in budgetary basis but not for financial reporting purposes:		86,258
Expenditures recorded for financial reporting purposes but not in budgetary basis:		(91,932)
Timing differences:		
Current year encumbrances recorded as expenditures for budgetary reporting purposes:		317,170
Prior year encumbrances recorded as expenditures for financial reporting purposes:		(678,131)
Net change in fund balance (GAAP basis):	\$	<u>(1,735,715)</u>

SUPPLEMENTARY INFORMATION

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORNIGUEROS

SUPPLEMENTARY INFORMATION - FINANCIAL DATA SCHEDULE
BALANCE SHEET AND STATEMENT OF REVENUES AND EXPENSES INFORMATION
JUNE 30, 2009

Line Item No.	Description	14.871 Housing Choice Vouchers
	Balance Sheet	
111	Cash - unrestricted	\$ 53,011
113	Cash - other restricted	\$ 39,385
100	Total cash	\$ 92,396
121	Accounts receivable - PHA projects	\$ 9,686
122	Accounts receivable - HUD other projects	\$ 398
125	Accounts receivable - miscellaneous	\$ 1,047
126.2	Allowance for doubtful accounts - other	\$ (470)
128	Fraud recovery	\$ 948
128.1	Allowance for doubtful accounts - fraud	\$ (160)
120	Total receivables, net of allowance for doubtful accounts	\$ 11,449
144	Inter program - due from	\$ 484
150	Total Current Assets	\$ 104,329
164	Furniture, equipment and machinery - administration	\$ 19,872
166	Accumulated depreciation	\$ (19,316)
160	Total capital assets, net of accumulated depreciation	\$ 556
180	Total Non-current Assets	\$ 556
190	Total Assets	\$ 104,885
312	Accounts payable <= 90 days	\$ 6,148
322	Accrued compensated absences - current portion	\$ 2,891
331 - 030	Accounts payable - HUD PHA programs - Other	\$ -
332	Accounts Payable - PHA Projects	\$ -
333	Accounts payable - other government	\$ -
341	Tenant security deposits	\$ -
342	Deferred revenue	\$ -
345	Other current liabilities	\$ 1,296
347	Inter-program - due to	\$ -
348	Loan Liability - current	\$ -
310	Total Current Liabilities	\$ 10,335
353	Non-current liabilities - other	\$ 6,579
354	Accrued compensated absences - non current	\$ 7,233
350	Total Non-current Liabilities	\$ 13,812
300	Total Liabilities	\$ 24,147
508.1	Invested in Capital Assets, Net of Related Debt	\$ 556
511.1	Restricted Net Assets	\$ 33,010
512.1	Unrestricted Net Assets	\$ 47,172
513	Total Equity/Net Assets	\$ 80,738
600	Total Liabilities and Equity/Net Assets	\$ 104,885
	Income Statement	
70600-010	Housing assistance payments	\$ 476,371
70600-020	Ongoing administrative fees earned	\$ 71,420
70600-070	Admin fee calculation description	
70600	HUD PHA operating grants	\$ 547,791
71500	Other revenue	\$ 22,477
700	Total Revenue	\$ 570,268
91100	Administrative salaries	\$ 44,512
91200	Auditing fees	\$ 5,000
91500	Employee benefit contributions- administrative	\$ 12,222
91600	Office expenses	\$ 2,829
91800	Travel	\$ 483
91000	Total Operating - Administrative	\$ 65,046
96200	Other general expenses	\$ 782
96210	Compensated absences	\$ 1,420

The accompanying notes are an integral part of this schedule.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

SUPPLEMENTARY INFORMATION - FINANCIAL DATA SCHEDULE
BALANCE SHEET AND STATEMENT OF REVENUES AND EXPENSES INFORMATION
JUNE 30, 2009

Line Item No.	Description	14,871 Housing Choice Vouchers
96600	Bad debt - other	\$ 266
96000	Total Other General Expenses	\$ 266
96900	Total Operating Expenses	\$ 65,312
97000	Excess Revenue Over Operating Expenses	\$ 504,956
977300-020	Home-Ownership	\$ 2,724
97300-050	All Other	\$ 491,712
97300	Housing assistance payments	\$ 494,436
97350	HAP Portability-in	\$ 17,728
97400	Depreciation expense	\$ 164
97500	Fraud losses	\$ -
900	Total Expenses	\$ 577,640
10000	Excess (Deficiency) of Revenue Over (Under) Expenses	\$ (7,372)
11030	Beginning equity	\$ 90,312
11040-010	Prior period adjustments and correction of errors - Editable	\$ -
11040	Prior period adjustments, equity transfers, and correction of errors	\$ -
11170-020	Hard to House Fee Revenue	\$ -
11170-021	FSS Coordinator Grant	\$ -
11170-030	Audit Costs	\$ -
11170-040	Investment income	\$ -
11170-045	Fraud Recovery Revenue	\$ -
11170-050	Other Revenue	\$ 22,378
11170-051	Comment For Other Revenue	This amount corresponds received from the initial
11170-060	Total Admin Fee Revenues	\$ 93,798
11170-080	Total Operating Expenses	\$ 65,312
11170-090	Depreciation	\$ 164
11170-095	Housing Assistance Portability In	\$ 17,728
11170-100	Other Expenses	\$ -
11170-101	Comment For Other Expense	
11170-003	Administrative Fee Equity - Ending Balance	\$ 49,930
11170	Administrative Fee Equity	\$ 49,930
11180-001	Housing Assistance Payments Equity - Beginning Balance	\$ 50,976
11180-010	Housing Assistance Payments Revenues	\$ 476,371
11180-015	Fraud Recovery Revenue	\$ -
11180-020	Other Revenue	\$ 99
11180-021	Comment For Other Revenue	This amount corresponds
11180-025	Investment Income	\$ -
11180-030	Total HAP Revenues	\$ 476,470
11180-080	Housing Assistance Payments	\$ 494,436
11180-090	Other Expenses	\$ -
11180-091	Comment For Other Expense	
11180-003	Housing Assistance Payments Equity - Ending Balance	\$ 33,010
11180	Housing Assistance Payments Equity	\$ 33,010
11190-210	Total ACC HCV Units	1,236
11190-220	Unfunded Units	-
11190-230	Other Adjustments	-

The accompanying notes are an integral part of this schedule.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTE TO SUPPLEMENTARY INFORMATION - FINANCIAL DATA SCHEDULE

June 30, 2009

NOTE A – BASIS OF PRESENTATION

The accompanying financial data schedule (FDS) is a trial balance of the Section 8 Housing Choice Voucher Program administered by the Municipality. The FDS was created in order to standardize the financial information reported by Public Housing Authorities (PHA) to the Real Estate Assessment Center (REAC), as required by the Uniform Financial Reporting Standards (UFRS). REAC is the US Department of Housing and Urban Development (HUD) national management center created to assess the condition of HUD owned and assisted properties. The UFRS are rules to implement requirements of 24 CFR, Part 5, Subpart H, for the electronic filing of financial information to HUD.

In accordance with the guidelines for reporting and attestation requirements of UFRS, the accompanying FDS is included as information supplementary to the financial statements. It was prepared using the accrual basis of accounting, as required by REAC regulations.

SINGLE AUDIT SECTION

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FISCAL YEAR ENDED JUNE 30, 2009**

<u>Federal Grantor/Pass Through Grantor/Program Title</u>	<u>Federal CFDA Number (note B)</u>	<u>Pass-Through Entity Identifying Number (note C)</u>	<u>Federal Expenditures (note A)</u>
<u>U.S. Department of Agriculture</u>			
Passed through the P.R. Department of Education: Child and Adult Care Food Program	10.558	CCC-029	\$ 18,054
Water and Waste Disposal System for Rural Communities	10.760	N/A	<u>236,963</u>
Subtotal U.S. Department of Agriculture			255,017
<u>U.S. Department of Housing and Urban Development</u>			
Passed through the Office of Commissioner of Municipal Affairs: Community Development Block Grant - States's Program	14.228	FD - 30 AF - 30 AB - 30 CD - 30	\$ 553,628
Shelter Plus Care	14.238	N/A	38,717
Passed through the P.R. Department of Health: Housing Opportunities for Persons with AIDS (HOPWA)	14.241	2008-DS 0616	35,471
Passed through the P.R. Department of Housing - (Puerto Rico Public Housing Agency "PRPHA"): Public and Indian Housing	14.850	N/AV	151,409
Section 8 Housing Choice Vouchers Program	14.871	N/A	<u>547,791</u>
Subtotal U.S. Department of Housing and Urban Development			1,327,016
<u>U.S. Department of Transportation</u>			
Federal Transit Formula Grants	20.507	N/A	126,700
<u>U.S. Department of Health and Human Services</u>			
Passed through the P.R. Office of Elderly Affairs: National Family Caregiver Support, Title III, Part E	93.052	N/A	36,258
Nutrition Services Incentive Program	93.053	N/A	21,144
Passed through the P.R. Department of Family - Families and Children Administration: Child Care and Development Block Grant	93.575	2005-2006-030 2006-2007-040	<u>93,195</u>
Subtotal U.S. Department of Health and Human Services:			150,597
<u>U.S. Department of Homeland Security</u>			
Passed through the Puerto Rico Governor Office - (Office of Public Safety Affairs): Homeland Security Grant Program (SHSP)	97.067	2005-GE-T5-4009	134,686
Total Expenditures of Federal Awards			<u><u>\$ 1,994,016</u></u>

The accompanying notes are an integral part of this schedule.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

June 30, 2009

NOTE A – BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards includes the federal grant activity of the Municipality and is presented on the modified accrual basis of accounting. Expenditures are recognized when the related liability is incurred. The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, "Audits of States, Local Governments and Nonprofit Organizations". Therefore, some amounts presented in this schedule may differ from the amounts presented in, or used in the preparation of, the basic financial statements.

NOTE B - FEDERAL CFDA NUMBER

The Catalog of Federal Domestic Assistance (CFDA) Number is a program identification number. The first two digits identify the federal department or agency that administers the program and the last three numbers are assigned by numerical sequence.

NOTE C – PASS-THROUGH ENTITY IDENTIFYING NUMBER

State or local government redistributions of federal awards to the Municipality, known as "pass-through awards", should be treated by the Municipality as though they were received directly from the federal government. OMB Circular A-133 requires the schedule to include the name of the pass-through entity and the identifying number assigned by the pass-through entity for the federal awards received as a subrecipient. Numbers identified as N/A are not applicable and numbers identified as N/AV are not available.

NOTE D – RECONCILIATION OF EXPENDITURES PRESENTED IN THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS TO THE EXPENDITURES PRESENTED IN THE BASIC FINANCIAL STATEMENTS

Description	Community Development Block Grant Fund	Lavadero Sanitary Sewer System Fund	Other Governmental Funds
10.558	\$ -	\$ -	\$ 18,054
10.760	-	236,963	-
14.228	553,628	-	-
14.238	-	-	38,717
14.241	-	-	35,471
14.850	-	-	151,409
14.871	-	-	547,791
20.507	-	-	126,700
93.052	-	-	36,258
93.053	-	-	21,144
93.575	-	-	93,195
97.067	-	-	134,686
Total federal awards expenditures	553,628	236,963	1,203,425
Total nonfederal awards expenditures	-	145,775	1,880,720
Total expenditures, fund statements	<u>\$ 553,628</u>	<u>\$ 382,738</u>	<u>\$ 3,084,145</u>

VALDES, GARCIA, MARIN & MARTINEZ, LLP

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS
MEMBER OF THE AICPA PRIVATE COMPANIES PRACTICE SECTION

P.O. Box 364831
SAN JUAN, P.R. 00936-4831

TELEPHONE: (787) 725-1600
TELEFAX: (787) 721-2795

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Honorable Mayor and
Members of the Municipal Legislature
Municipality of Hormigueros
Hormigueros, Puerto Rico

We have audited the financial statements of the governmental activities, each major fund and the aggregate remaining fund information of the Municipality of Hormigueros (the Municipality) as of and for the year ended June 30, 2009, which collectively comprise the Municipality's basic financial statements, and have issued our report thereon dated December 31, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

In planning and performing our audit, we considered the Municipality's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Municipality's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

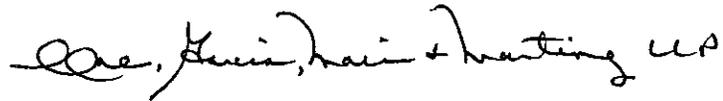
A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and other matters

As part of obtaining reasonable assurance about whether the Municipality's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our auditing procedures disclosed no instances of noncompliance or other matters that are required to be reported under Governmental Auditing Standards.

This report is intended solely for the information and use of the Municipality's management, the Honorable Mayor and Members of the Municipal Legislature, the Commonwealth of Puerto Rico, Federal awarding agencies, and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.



San Juan, Puerto Rico
December 31, 2009

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affixed to the original.

VALDES, GARCIA, MARIN & MARTINEZ, LLP

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS
MEMBER OF THE AICPA PRIVATE COMPANIES PRACTICE SECTION

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INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH REQUIREMENTS APPLICABLE TO EACH MAJOR PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH OMB CIRCULAR A-133

To the Honorable Mayor and
Members of the Municipal Legislature
Municipality of Hormigueros
Hormigueros, Puerto Rico

Compliance

We have audited the compliance of Municipality of Hormigueros (the Municipality) with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement that are applicable to each of its major federal programs for the year ended June 30, 2009. The Municipality's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs. Compliance with the requirements of laws, regulations, contracts and grant agreements and other matters applicable to each of its major federal programs is the responsibility of the Municipality's management. Our responsibility is to express an opinion on the Municipality's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations". Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Municipality's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the Municipality's compliance with those requirements.

In our opinion, the Municipality of Hormigueros complied, in all material respects, with the requirements referred to above that are applicable to each of its major federal programs for the year ended June 30, 2009. However, the results of our auditing procedures disclosed an instance of noncompliance with those requirements, which is required to be reported in accordance with OMB Circular A-133 and which is described in the accompanying schedule of findings and questioned costs as item 2008 III-1.

Internal Control Over Compliance

The management of the Municipality is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws, regulations, contracts, and grants applicable to federal programs. In planning and performing our audit, we considered the Municipality's internal control over compliance with the requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on the compliance, but not for the purpose of expressing our opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Municipality's internal control over compliance.

A control deficiency in an entity's internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect noncompliance with a type of compliance requirement of a federal program on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to administer a federal program such that there is more than a remote likelihood that non-compliance with a type of compliance requirement of a federal program that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that material non-compliance with a type of compliance requirement of a federal program will not be prevented or detected by the entity's internal control.

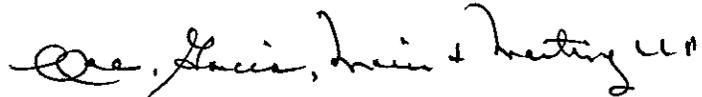
Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weakness, as defined above.

The Municipality's response to the finding identified in our audit is described in the accompanying schedule of findings and questioned costs. We did not audit the Municipality's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of the Municipality's management, the Honorable Mayor and Members of the Municipal Legislature, the Commonwealth of Puerto Rico, Federal awarding agencies, and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

San Juan, Puerto Rico
December 31, 2009

Stamp 2474929 was affixed
to the original.

A handwritten signature in black ink, appearing to read "C. Garcia, Inc. & Co. CPAs", is written over a faint, illegible stamp.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

Section I - Summary of Auditors' Results

Year ended June 30, 2009

I. Summary of audit results:

Part I - Financial Statements

1. Type of audit report: Unqualified opinion Qualified opinion
 Adverse opinion Disclaimer of opinion
2. Significant deficiencies: Yes No
3. Significant weaknesses reported as material weaknesses: Yes None reported
4. Material noncompliance disclosed: Yes No

Part II - Federal Awards

1. Significant deficiencies: Yes No
2. Significant weaknesses reported as material weaknesses: Yes None reported
3. Type of report on compliance on major programs: Unqualified opinion Qualified opinion
 Adverse opinion Disclaimer of opinion
4. Audit findings required to be reported under Section 510(a) of Circular A-133: Yes No

5. Major programs:

CFDA Number(s)	Name of Federal Program or Cluster
14.228	Community Development Block State's Program
14.871	Section 8 Housing Choice Vouchers
10.760	Water and Waste Disposal System Rural Communities

6. Dollar threshold used to distinguish Type A and Type B programs: \$300,000
7. Low-risk auditee: Yes No

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS

Section II - Financial Statements Findings

Finding

No matters reported.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2009**

Section III – Major Federal Award Program Findings and Questioned Costs

Reference

Number 2009 III-1

Agency U.S. Department of Housing and Urban Development

Program Section 8 Housing Choice Vouchers

CFDA

Number 14.871

Regulation/
Requirement

Special test and provisions-Internal Control

Type

Non-compliance

Condition

In testing the Housing Quality Standards Enforcement procedures we noted that inspections were not performed.

Criteria

24 CFR Subpart I 982.404 (a) (2) (3) requires the following:

- (a) Owner obligation. (1) The owner must maintain the unit in accordance with HQS.
(2) If the owner fails to maintain the dwelling unit in accordance with HQS the PHA must take prompt and vigorous action to enforce the owner obligations. PHA remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of HAP contract.
(3) The PHA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect with no more than 30 calendar days (or any PHA-approved extension).
- (b) Family obligation. (1) The family is responsible for a breach of the HQS that is caused by any of the following:
(2) If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
(3) If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family with Sec. 982.552.

Cause

The Municipality's officers in charge of the program did not perform effective monitoring review procedures for compliance regarding HQS enforcement inspection processes.

Effect

The Municipality may be paying HAP payments for housing units that do not meet program requirements and that could affect the quality of life of participants. Also, it has an effect in the reporting of performance on the SEMAP report.

**COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS**

**SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2009**

Recomendations The Municipality should emphasize and perform timely inspections to ascertain that prompt corrective actions surrounding the owner are taken and that tenant meets HQS requirements. If the owner and tenant do not comply with federal requirements, the Municipality has the obligation to take adequate action with the HAP contract in accordance with federal regulations.

Management
Comments

As indicated by the Finance Director, management will take the necessary steps to design procedures to perform the HQS Inspections on a timely basis. They will also train the Program's personnel that perform duties on those federal regulations related to HQS inspection requirements

Questioned
Costs None

CORRECTIVE ACTION PLAN

Contact Persons: Mrs. Marinelda Acosta – Director of Finance
Mr. Juan Serrano – Director of Internal Audit
Phone Number (787) 849-2515
(787) 849-4071

The Corrective Action Plan was prepared by the Municipality's management and is included separately of this document.

COMMONWEALTH OF PUERTO RICO
MUNICIPALITY OF HORMIGUEROS
SCHEDULE OF PRIOR YEARS AUDIT FINDINGS
AND QUESTIONED COSTS
FISCAL YEAR ENDED JUNE 30, 2009

Finding 2008 III-1

Condition:

The Municipality did not follow procedures to minimize the time elapsing between the transfer of funds from the P.R. Department of Housing (the pass-through entity) and their disbursements to the suppliers.

Audit Finding Status

Action was taken. The situation was corrected.