



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF PUBLIC AND INDIAN HOUSING



HOUSING AUTHORITY OF THE CITY OF DANBURY Five Year and Annual Plan 2011-2015

VERSION I

Effective January 1, 2011
HUD Submission October 25, 2010
Public Hearing September 28, 2010
Board Approval October 21, 2010
Legal Notice August 7, 2010



median income for the area in which the units are located. In addition, another 10% of those being served earn less than 80% of the area median income. In total, 95% of the families being served by subsidy earn less than 80% of the area median income. Seventy five of the elderly persons being assisted under HACD's Elderly Housing programs earn less than 25% of the area median income.

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.

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

PHA Goal: Expand the supply of assisted housing

Objectives:

Apply for additional rental vouchers:

Reduce public housing vacancies:

Leverage private or other public funds to create additional housing opportunities:

Acquire or build units or developments

Other (list below)

PHA Goal: Improve the quality of assisted housing

Objectives:

Improve public housing management: (PASS score) Standard Performer 2009

Improve voucher management: (SEMAP score) Standard Performer 2009

Increase customer satisfaction: Deveoped customer service staff Training

Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)

Renovate or modernize public housing units:

Demolish or dispose of obsolete public housing:

Provide replacement public housing:

Provide replacement vouchers:

Other: (list below)

PHA Goal: Increase assisted housing choices

Objectives:

Provide voucher mobility counseling:

Conduct outreach efforts to potential voucher landlords:

Increase voucher payment standards

Implement voucher homeownership program: Currently operational with 22 families.

Implement public housing or other homeownership programs:

Implement public housing site-based waiting lists:

Convert public housing to vouchers:



Other: (list below)

HUD Strategic Goal: Improve community quality of life and economic vitality

- PHA Goal: Provide an improved living environment
Objectives:
- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
 - Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
 - Implement public housing security improvements:
 - Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
 - Other: (list below)
Explore green technology in the preservation of affordable housing.

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

- PHA Goal: Promote self-sufficiency and asset development of assisted households
Objectives:
- Increase the number and percentage of employed persons in assisted families:
 - Provide or attract supportive services to improve assistance recipients' employability:
 - Provide or attract supportive services to increase independence for the elderly or families with disabilities.
 - Other: (list below)

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing
Objectives:
- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
 - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
 - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
 - Other: (list below)



OTHER PHA GOALS AND OBJECTIVES

- 1 Improve the lives of our residents through the implementation of an effective Asset Management strategy.
- 2 To maintain standard performer designation through improvements in the Agency's core property management functions.
- 3 To maintain standard performer designation in the management of Housing Choice Voucher (Section 8) Program.
- 4 Manage and operate quality housing that is affordable and indistinguishable from the surrounding communities.
- 5 Empower HACD employees through sponsored training and education programs.
- 6 Increase intergovernmental collaboratives between the Housing Authority of the City of Danbury and its network of partners in public safety and social services delivery.
- 7 Expand federal Project Based Section Eight Program to facilitate the development of affordable housing opportunities for veterans, seniors and victims of domestic violence.
- 8 Complete the implementation of HACD's proposed replacement housing strategy that would add HACD's affordable seven (7) units to housing inventory.
- 9 Increase and diversify services for elderly residents to promote independence and reduce isolation.
- 10 Assist residents who are victims of domestic violence obtain emergency transfer in a manner that ensures their safety
- 11 Establish Family Self Sufficiency Program for HACD's Section 8 participants.
- 12 Complete the implementation of federalizing 50 State Housing units.

PHA Plan Update

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



	<p>submission:</p> <ul style="list-style-type: none"> HACD's ACOP, Administrative Plan revised to update Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Administration. ATTACHMENT 6 B HACD's ACOP, Administrative Plan and Fair Housing Plan updated to include Limited English Proficiency Plan and revised grievance procedures. ATTACHMENTS 7 AND 6 A AND 6F Continued implementation of HACD's Replacement Housing units and HACD's Federalization efforts that adds 50 housing units. Attachment 4 Implementation of Enterprise Income Verification (EIV) Security Control Policy Attachment 8 <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions. <i>The Draft Agency Annual Plan for FY 2011 was made available</i> for public inspection at HACD's principal office, located at 2 Mill Ridge Road Danbury CT from August 7, 2010 through October 21, 2010 between the hours of 9:00 a.m. to 5:00 p.m. <i>The Draft Agency Annual Plan for FY 2011 was also made available</i> at the at all HACD Property Management Offices. <i>The Draft Agency Plan was also distributed</i> to resident leaders of each federal and State property on August 15, 2011, September 28, 2010 and October 21, 2010.</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. See Attachment 4</i></p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3 as applicable.</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. See Attachment 3</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. See Attachment 3</p>
8.3	<p>Capital Fund Financing Program (CFFP). <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>
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</p>



	<p>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. See Attachment 6F</p>
<p>9.1</p>	<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. See Attachment 6F</p>
<p>10.0</p>	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year Plan.</p> <p>1. HACD has implemented Phase I of Asset Management and has decentralized 98 % of central office functions; received approval of replacement housing Plan; Commenced disposition of scattered site properties. Additionally, HACD has maintained a standard performer designation on both its public housing and Section 8 programs.</p> <p>The Housing Authority of the City of Danbury is moving forward with the Federalization of one (1) State Development Crosby Manor.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification” NA</p>



11.0

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

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights) **See Attachment** 2
PAGE
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only) **See Attachment** TWO
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only) **See Attachment** TWO
- (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only) **See Attachment** TWO
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only) **See Attachment** TWO
- (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. **See Attachment** TWO
- (g) Challenged Elements NA
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only) **See Attachment** 3
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only) **See Attachment** 3



HUD Programs under PHA Management

— List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use “NA” to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	363	32
Section 8 Vouchers	642	30
Section 8 Certificate	0	0
Section 8 Mod Rehab	55	5
Family Unification	50	10
Shelter Plus Care	33	3
Public Housing Drug Elimination Program (PHDEP)	N/A	N/A
Disabled Section 8 Vouchers	156	5
Other Federal Programs(list individually)		
CGP	363	N/A

Management and Maintenance Policies

List the PHA’s public housing management and maintenance policy documents, manuals and handbooks that contain the Agency’s rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

(1) Policies on Eligibility, Selection and Admissions

- A. Admissions and Occupancy
- B. Section 8 Administrative Plan
- C. Grievance Procedures
- D. Maintenance Plan
- E. Financial Procedures
- F. Procurement Policy
- G. Section 8 Homeownership
- H. Operating Budget
- I. Pet Policy
- J. Personnel



PHA Community Service and Self-Sufficiency Programs [24 CFR Part 903.7

9 (D)

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

- Yes No: Has the PHA has entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?
If yes, what was the date that agreement was signed? DD/MM/YY

2. Other coordination efforts between the PHA and TANF agency (select all that apply)

- Client referrals
 Information sharing regarding mutual clients (for rent determinations and otherwise)
 Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
 Jointly administer programs
 Partner to administer a HUD Welfare-to-Work voucher program
 Joint administration of other demonstration program
 Other (describe)

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

- Public housing rent determination policies
 Public housing admissions policies
 Section 8 admissions policies
 Preference in admission to section 8 for certain public housing families
 Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
 Preference/eligibility for public housing homeownership option participation
 Preference/eligibility for section 8 homeownership option participation
 Other policies (list below)

b. Economic and Social Self-Sufficiency programs



Yes No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use.)

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office/ PHA main office/other provider name)	Eligibility (public housing or Section 8 participants or both)
Computer Skills Training		Other	Community Rooms	Both
Danbury Grassroots Tennis Camp	28	Other	Norwalk Grassroots Tennis	Both
Summer Youth Employment Program	50	Other	City of Danbury	Both

* Community Rooms located at Laurel Gardens.

(2) Family Self Sufficiency Program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2010 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing	0	0
Section 8	0	0

b. Yes No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size? If no, list steps the PHA will take below: NA



C. Welfare Benefit Reductions

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- Informing residents of new policy on admission and reexamination
- Actively notifying residents of new policy at times in addition to admission and reexamination.
- Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other: (list below)

D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937 See Attachment CT020f012

PHA Safety and Crime Prevention Measures

[24 CFR Part 903.7 9 (m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

A. Need for measures to ensure the safety of public housing residents

1. Describe the need for measures to ensure the safety of public housing residents (select all that apply)

- High incidence of violent and/or drug-related crime in some or all of the PHA's developments
- High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments
- Residents fearful for their safety and/or the safety of their children
- Observed lower-level crime, vandalism and/or graffiti
- People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime
- Other (describe below)

2. What information or data did the PHA used to determine the need for PHA actions to improve safety of residents (select all that apply).

- Safety and security survey of residents



- Analysis of crime statistics over time for crimes committed “in and around” public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other (describe below)

3. Which developments are most affected? (list below)

Laurel Gardens
Eden Drive
Scattered Sites

B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year

1. List the crime prevention activities the PHA has undertaken or plans to undertake: (select all that apply)

- Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities.
- Crime Prevention through Environmental Design
- Activities targeted to at-risk youth, adults, or seniors. Target Program
- Volunteer Resident Patrol/Block Watchers Program
- Other (describe below)

2. Which developments are most affected? (list below)

Laurel Gardens
Eden Drive
Scattered Sites

C. Coordination between PHA and the police

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

- Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan.
- Police provide crime data to housing authority
- Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan.
- Police provide crime data to housing authority staff for analysis and action



- Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- Police regularly testify in and otherwise support eviction cases
- Police regularly meet with the PHA management and residents
- Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
- Other activities (list below)

2. Which developments are most affected? (list below)

Wooster Manor *Scattered Sites*
Laurel Gardens *Putnam Tower*
Eden Gardens

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes No: Has the PHA included the PHDEP Plan for FY 2000 in this PHA Plan?
- Yes No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

In accordance with [24 CFR Part 903.7 9 (n)], HACD has updated its' pet policy to allow pets at both elderly and family developments.

Civil Rights Certifications See Attachment G

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

Fiscal Audit

[24 CFR Part 903.7 9 (p)]

1. Yes No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?
(If no, skip to component 17.)
2. Yes No: Was the most recent fiscal audit submitted to HUD?
3. Yes No: Were there any findings as the result of that audit? 1
4. Yes No: If there were any findings, do any remain unresolved? 1
If yes, how many unresolved findings remain?
5. Yes No: Have responses to any unresolved findings been submitted to HUD?
If not, when are they due (state below)? December 31, 2009



PHA Asset Management

[24 CFR Part 903.7 9 (q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component. High performing and small PHAs are not required to complete this component.

1. Yes No: Is the PHA engaging in any activities that will contribute to the long term asset management of its public housing stock , including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?

2. What types of asset management activities will the PHA undertake? (select all that apply)
 - Not applicable
 - Private management
 - Development-based accounting
 - Comprehensive stock assessment
 - Other: (list below)

3. Yes No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

18. Other Information See Attachment 2

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

1. Yes No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?

2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)
 - Attached at Attachment (File name)
 - Provided below:

3. In what manner did the PHA address those comments? (select all that apply)
 - Considered comments, but determined that no changes to the PHA Plan were necessary.
 - The PHA changed portions of the PHA Plan in response to comments
List changes below:
 - Other: (list below)



B. Description of Election process for Residents on the PHA Board

1. Yes No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)

2. Yes No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.) **As provided by City charter, HACD's Resident Commissioner is appointed by the Mayor of the City of Danbury**

3. Description of Resident Election Process

a. Nomination of candidates for place on the ballot: (select all that apply)

- Candidates were nominated by resident and assisted family organizations
- Candidates could be nominated by any adult recipient of PHA assistance
- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- Other: (describe) Mayoral appointment in accordance with City Charter

b. Eligible candidates: (select one)

- Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance
- Any adult member of a resident or assisted family organization
- Other (list)

c. Eligible voters: (select all that apply)

- All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- Representatives of all PHA resident and assisted family organizations
- Other (list)

C. Statement of Consistency with the Consolidated Plan See Attachment 2

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: (provide name here) *City of Danbury*

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.



- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- Other: (list below)

3. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

The Consolidated Plan has priorities for constructing new affordable housing and subsidizing existing housing to make it affordable. The Authority is currently accomplishing both. See Attachment **2** for Statement of Consistency by the Honorable Mayor of the City of Danbury.

D. Other Information Required by HUD

Use this section to provide any additional information requested by HUD.

Substantial deviations or significant amendments or modifications are defined as discretionary changes in the plans or policies of the Housing Authority that fundamentally change the mission, goals, objectives, or plans of the agency and which require formal approval of the Board of Commissioners

The Housing Authority of the City of Danbury is proceeding to federalize one (1) State Development as follows:

1. Crosby Manor (Project E77) consisting of 50 zero-bedroom units.

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.

Housing Authority of the City of Danbury

CT020

 PHA Name

 PHA Number/HA Code

<small>I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)</small>	
Name of Authorized Official <p style="text-align: center;">Domenico Chieffalo</p>	Title <p style="text-align: right;">Chairman</p>
Signature 	Date <p style="text-align: right;">10/21/2010</p>

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.

HOUSING AUTHORITY OF THE CITY OF DANBURY

CT020

PHA Name

PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 2011- 2015

Annual PHA Plan for Fiscal Years 2011- 2012

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 DOMENICO CIEFFALO

Title CHAIRMAN

Signature

Date 10-28-2010

RESOLUTION 883

WHEREAS, the Housing Authority Of The City Of Danbury (HACD) is required by Federal Law to develop, with input from public housing and Housing Choice Voucher participants, elected officials and the public, an Annual and Five Year Plan that sets forth major initiatives for the Fiscal Year 2011-2015. For 2011-2015, the major initiatives include but are not limited to the following:

1. Improve the lives of our residents through the implementation of an effective Asset Management strategy and improves customer service and decrease costs.
2. Maintain standard performer designation through improvements in HACD's core property management and financial management operations.
3. Maintain standard performer designation in the management of Housing Choice Voucher (Section 8) Program.
4. Restore HACD's financial stability and resolve HACD's indebtedness to the Department of Housing and Urban Development.
5. Over the next three years, develop at least six (6) quality replacement housing units that is affordable and indistinguishable from the surrounding communities
6. Strengthen HACD's commitment to the Ten Year Plan to End Homelessness through the implementation of local preferences for the homeless and victims of domestic violence.
7. Increase intergovernmental collaboratives between the Housing Authority of the City of Danbury and its network of partners in the provisioning of public safety and social services delivery.

WHEREAS, the Housing Authority of the City of Danbury developed and provided Legal Notice of its Proposed 2011 Annual and 2011-2015 Five Year Plan on August 15, 2010.

WHEREAS, HACD meet with the resident leadership in August, 2010 and provided a draft copy of the Proposed Annual Plan to Citywide Resident Council to facilitate resident participation.

WHEREAS, HACD conducted a public hearing on September 28, 2010 at Ives Manor, 198 Main Street, Second Floor conference Room and have provided a copy of public comments from said meeting.

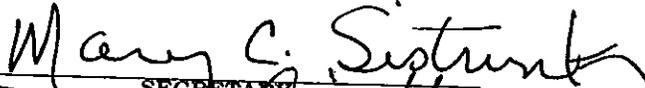
WHEREAS, HACD reviewed the public comments and determined that public comments did not require a modification to its Proposed 2011 Annual and 2011-2015 Five Year Plan.

BE IT RESOLVED That The Board Of Commissioners Authorizes The Executive Director To Submit To The Department Of Housing And Urban Development The Hacd's Fiscal Year 2011 And Five Year 2011-2015 Agency Plan.

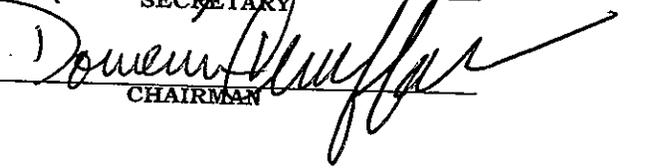
RESOLUTION 883

I CERTIFY THAT THIS IS A TRUE COPY OF RESOLUTION 688 ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF DANBURY BY ITS BOARD OF COMMISSIONERS ON WHICH HAS NOT BEEN RESCINDED OR MODIFIED IN ANY WAY WHATSOEVER.

OCTOBER 21, 2010



SECRETARY



CHAIRMAN

**LEGAL NOTICE
OF HEARING
THE HOUSING AUTHORITY
OF THE CITY OF DANBURY
NOTICE OF PUBLIC HEARING
AGENCY PLAN 2011**

The Housing Authority of the City of Danbury hereby announces it will conduct a Public Hearing regarding its agency fiscal year 2011 Annual Plan.

The Public Hearing is in compliance with the Quality Housing and Work Responsibility Act (QHWRA) and The United States Department of Housing and Urban Development (HUD) rules and regulations.

The hearing will present proposed changes to the agency plan, the Section 8 Administrative Plan, Asset Management, the Admissions and Occupancy Plan, Home Ownership programs, and Community Service requirements. The Public Hearing will be held:

**Tuesday, September 28, 2010
2:00 to 4:00 PM
IVES MANOR
188 Main Street
Danbury, CT 06810
Everyone is invited!**

The Proposed Changes to the Fiscal Year 2011 Agency Plan are available for viewing at:

**The Housing Authority of the
City of Danbury
2 Mill Ridge Road, Danbury, CT 06811
(203) 744-2500**

Hours of Operation: 8:30am to 4:30pm

Order Confirmation

Ad Order Number 0001539925	Customer HOUSING AUTHORITY-CITY OF DANBURY	Payer Customer HOUSING AUTHORITY-CI	PO Number
Sales Rep. dsetani	Customer Account 130009	Payer Account 130009	Ordered By DEBORAH
Order Taker dsetani	Customer Address PO BOX 86 DANBURY CT 06813-0086 USA	Payer Address PO BOX 86 DANBURY CT 06813-0086 USA	Customer Fax 203-797-1864
Order Source E-mail	Customer Phone 203-744-2500	Payer Phone 203-744-2500	Customer Email dgotschalk@hacdot.org
			Special Pricing None

Tear Sheets 0 **Proofs** 0 **Artifacts** 0 **Blind Box** **Promo Type** **Materials**

Invoice Text **Ad Order Notes**
ANNUAL PLAN

Net Amount	Tax Amount	Total Amount	Payment Method	Payment Amount	Amount Due
\$562.66	\$0.00	\$562.66		\$0.00	\$562.66

Ad Number **Ad Type** **Ad Size** **Color** **Production Method** **Production Notes**
 0001539925-0 Legal Liners : 2.0 X 44 LI <NONE> AdBooker

External Ad Number **Ad Attributes** **Ad Released** **Pick Up**
 No

Product Information **Placement/Insertion** **Start Dates** **End Dates**

Run Schedule Invoice Text **Sort Text**

Danbury News-Times::	Public Notices	8/13/2010, 8/18/2010	2	\$560.66
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LEGAL NOTICE OF HEARING THE HOU. LEGALNOTICEOFHEARINGTHEHOU
 news@times.com: : Public Notices 8/13/2010, 8/18/2010 2 \$2.00

LEGAL NOTICE OF HEARING THE HOU. LEGALNOTICEOFHEARINGTHEHOU



Housing Authority of the City of Danbury

Main Office:

Location: 2 Mill Ridge Road, Danbury, CT 06810

Mailing Address: P.O Box 86

Danbury, CT 06813

203-744-2500 Tel

203-790-2334 Fax

DOMENICO CHIEFFALO, CHAIRMAN
RAYMOND YAMIN, COMMISSIONER
STANLEY WATKINS, COMMISSIONER
MARY TEICHOLZ, COMMISSIONER
JAMES ZEH, RESIDENT COMMISSIONER

CAROLYN SISTRUNK, EXECUTIVE DIRECTOR

September 28, 2010

HOUSING AUTHORITY OF THE CITY OF DANBURY

PUBLIC HEARING

Ives Manor

2:00-4:00pm

The Public Hearing for the Housing Authority of the City of Danbury 2011 Annual and 2011-2015 Five Year Plan will be held on September 28, 2010 at Ives Manor, 198 Main Street Danbury, Connecticut, 06810. Please contact Carolyn Sistrunk at (203)743-8822 with questions and/or comments

AGENDA

- I. OPENING COMMENTS
- II. PUBLIC COMMENTS
- III. CLOSING COMMENTS





Housing Authority of the City of Danbury

Main Office:

Location: 2 Mill Ridge Road, Danbury, CT 06810

Mailing Address: P.O Box 86

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JAMES ZEH, RESIDENT COMMISSIONER

CAROLYN SISTRUNK, EXECUTIVE DIRECTOR

September 28, 2010

HOUSING AUTHORITY OF THE CITY OF DANBURY

PUBLIC HEARING

Ives Manor

2:00-4:00pm

The Public Hearing for the Housing Authority of the City of Danbury 2011 Annual and 2011-2015 Five Year Plan will be held on September 28, 2010 at Ives Manor, 198 Main Street Danbury, Connecticut, 06810. Please contact Carolyn Sistrunk at (203)743-8822 with questions and/or comments

SIGN IN

NAME	ADDRESS	TELEPHONE
James Zeh	CROSBY MANOR	203-512-6620
M C Sistrunk	HACD	203-960-4156
Michael Papadite	HACD	203-797-0301
Everette Spencer	HACD	203-744-2500
Rose Morrison	CROSBY MANOR	203-778-2799
Jasmine Murray	Putnam	203-530-9787
Henrietta Berglund	Putnam	203-743-5040
Kenneth Matton	Putnam	203-797-0432
Jacqueline Ham	HACD	203-448-2172
Venedia Mercedes	HACD	203-744-2500
Jessie Marengo	HACD	203-744-2500
Mildred Brito	HACD	203-744-2500
Vinalda Green	HACD	(203) 798-6350
Sherby Callands	Crosby Manor	203-744-6519



September 28, 2010

**HOUSING AUTHORITY OF THE CITY OF DANBURY
PUBLIC HEARING**

Ives Manor
2:00-4:00pm

The Public Hearing for the Housing Authority of the City of Danbury 2011 Annual and 2011-2015 Five Year Plan will be held on September 28, 2010 at Ives Manor, 198 Main Street Danbury, Connecticut, 06810. Please contact Carolyn Sistrunk at (203)743-8822 with questions and/or comments

SIGN IN

NAME ADDRESS TELEPHONE

NAME	ADDRESS	TELEPHONE
JEAN KNAPP	84 Wooster St	203-797-878
Edna James	PULMAN TOWER	203-790-8375
Evelyn Drayton	Pulman Tower	203-417-9245
Walter Ward	Pulman Tower	204-796-2493
Mary C. Sistrunk	HACD	203-743-8822
Deborah Gottschalk	HACD	203-744-2500
Greg Holt	HACD	
Dorant Doan	HACD	
Dulorashy Vidual	HACT 2 Mill Ridge Danbury	203-744-2500 ext 29
Estela Ramos	HACT 2 Mill Ridge	(203) 460-4169
James D. Sabo	HACD 2 Mill Ridge Rd	203-744-2500

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



**HOUSING AUTHORITY OF THE CITY OF DANBURY
ANNUAL PLAN 2011 AND FIVE YEAR PLAN
2011-2015**

**PUBLIC HEARING
SEPTEMBER 28, 2010
COMMENTS**

HOUSING AUTHORITY OF THE CITY OF DANBURY
PUBLIC HEARING FOR THE 2011-2015 AGENCY PLAN
AND ANNUAL PLAN FOR
FISCAL YEAR 2011

The Public Hearing to discuss the Housing Authority of the City of Danbury 2011 to 2015 Agency Plan and the Annual plan for FY 2011 was held in the ballroom at Ives Manor, 198 Main Street, Danbury, CT 06810. The hearing started at 2:00 pm on September 28, 2010.

PUBLIC COMMENTS

Jim Zeh, Resident Commissioner questioned the HACDs pet policy commented that the some state housing residents were unsure of the policy requirements and didn't understand what would happen if the pet dies? RESPONSE HACD Staff explained the policy including the annual and moveout return of pet deposit to residents.

Jim Zeh, Crosby Manor, requested Capital updates for The Federal Senior properties. RESPONSE HACD Staff provided handouts of the proposed 2011-2015 Capital Plan/ budgets and explained capital upgrades at Wooster, Putnam Drive and Crosby Manor's ADA/504 Upgrades.

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input checked="" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: CT, 05	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: N/A Congressional District, if known:	
6. Federal Department/Agency: HUD	7. Federal Program Name/Description: CAPITAL PROGRAM CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i> N/A	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i> N/A	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u>Mary C. Sistrunk</u> Print Name: <u>MARY CAROLYN SISTRUNK</u> Title: <u>EXECUTIVE DIRECTOR</u> Telephone No.: <u>203-743-8822</u> Date: <u>10/28/2010</u>	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

THE HOUSING AUTHORITY OF THE CITY OF OF DANBURY

Program/Activity Receiving Federal Grant Funding

CAPITAL PROGRAMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 MILL RIDGE ROAD, P. O. BOX 86 DANBURY CT., 06813
25 BEAVER STREET DANBURY CT. 06810
27 EDEN DRIVE DANBURY CT. 06810
398 MAIN STREET DANBURY CT 06810

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)

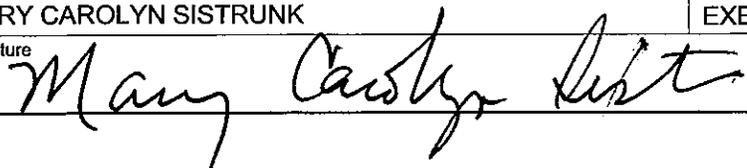
Name of Authorized Official

MARY CAROLYN SISTRUNK

Title

EXECUTIVE DIRECTOR

Signature

X 

Date

OCTOBER 22, 2011

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

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year and Annual PHA Plan for the PHA fiscal year beginning 2011, 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.

**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, MARK D. BOUGHTON the MAYOR, CITY OF DANBURY certify that the Five Year and
Annual PHA Plan of the HOUSING AUTHORITY OF THE CITY OF DANBURY is consistent with the Consolidated Plan of
CITY OF DANBURY prepared pursuant to 24 CFR Part 91.

10/28/2010

Signed / Dated by Appropriate State or Local Official

HOUSING AUTHORITY OF THE CITY OF DANBURY

BOARD OF COMMISSIONERS

Mr. Domenico M. Chieffalo
36 Mill Plain Road, Suite 305
Danbury, Connecticut 06810

CHAIRMAN

Office: 203-744-1111
Cell: 203-733-0197
Fax: 203-744-1117

Mr. Raymond Yamin
4 Moss Avenue
Danbury, Connecticut 06810

COMMISSIONER

Office: 203-740-7090
Cell: 203-240-1997
Fax: 203-744-7044

Mr. Stanley Watkins
5 Grenier Drive
Danbury, Connecticut 06810

COMMISSIONER

Office: 203-797-4841
Home: 203-743-6273
Fax: 203-743-0520

Ms. Mary Teicholz
6 Shannon Ridge Road
Danbury, Connecticut 06810

COMMISSIONER

Home: 203-798-7230
Cell:
Fax:

Mr. James Zeh
84 West Wooster Street
Apt. 8C
Danbury, Connecticut 06810

RESIDENT COMMISSIONER

Home: 203-512-6620

FIVE YEAR AGENCY PLAN

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/2011

Part I: Summary

PHA Name/Number CT-20	Danbury Housing Authority	Locality (Danbury/Fairfield/Connecticut)				
		Work Statement for Year 1 FFY 2011	Work Statement for Year 2 FFY2012	Work Statement for Year 3 FFY2013	Work Statement for Year 4 FFY 2014	Work Statement for Year 5 FFY 2015
		<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:				
A.	Development Number and Name					
B.	Physical Improvements Subtotal	Asstmt Statement	288,411.00	288,411.00	238,411.00	288,411.00
C.	Management Improvements		10,000.00	10,000.00	10,000.00	10,000.00
D.	PHA-Wide Non-dwelling Structures and Equipment				50,000.00	
E.	Administration		53,273.00	53,273.00	53,273.00	53,273.00
F.	Other (Fees & Costs)		75,000.00	75,000.00	75,000.00	75,000.00
G.	Operations		106,670.00	106,670.00	106,670.00	106,670.00
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds		533,354.00	533,354.00	533,354.00	533,354.00
L.	Total Non-CFP Funds					
M.	Grand Total		533,354.00	533,354.00	533,354.00	533,354.00

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires 4/30/2011

Part I: Summary (Continuation)

Danbury Housing Authority		Locality (Danbury/Fairfield/Connecticut)			<input checked="" type="checkbox"/> Original 5-Year Plan	<input type="checkbox"/> Revision No:
A. Development Number and Name	Work Statement for Year 1 FFY 2011	Work Statement for Year 2 FFY 2012	Work Statement for Year 3 FFY 2013	Work Statement for Year 4 FFY 2014	Work Statement for Year 5 FFY 2015	
	Annual Statement					
HA Wide		244,943.00	244,943.00	244,943.00	244,943.00	
Scattered Sites					50,000.00	
Putnam Towers			20,000.00		30,000.00	
Wooster Manor		188,411.00	20,000.00	98,411.00	98,411.00	
Eden Drive		100,000.00		140,000.00	80,000.00	
Laurel Gardens			288,411.00		30,000.00	

2011
CAPITAL PLAN

CAPITAL

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary	PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26PO2050111 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2011 FFY of Grant Approval:
------------------------	--	---	--

Line	Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending:	Summary by Development Account	Original	Total Estimated Cost		Obligated	Total Actual Cost ¹
				Revised ²	Final Performance and Evaluation Report <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report		
1		Total non-CFP Funds					
2		1406 Operations (may not exceed 20% of line 21) ³	96,670.00				
3		1408 Management Improvements	10,000.00				
4		1410 Administration (may not exceed 10% of line 21)	53,273.00				
5		1411 Audit					
6		1415 Liquidated Damages					
7		1430 Fees and Costs	85,000.00				
8		1440 Site Acquisition					
9		1450 Site Improvement					
10		1460 Dwelling Structures	240,000.00				
11		1465.1 Dwelling Equipment—Nonexpendable					
12		1470 Non-dwelling Structures	100,698.00				
13		1475 Non-dwelling Equipment					
14		1485 Demolition					
15		1492 Moving to Work Demonstration					
16		1495.1 Relocation Costs					
17		1499 Development Activities ⁴					

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant: 2011
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26PO2050111 Replacement Housing Factor Grant No:	FFY of Grant Approval:
	Date of CFFP:	

Type of Grant: Original Annual Statement Reserve for Disasters/Emergencies

Performance and Evaluation Report for Period Ending: Revised Annual Statement (revision no:)

Summary by Development Account Final Performance and Evaluation Report

Line	Summary by Development Account	Original	Revised ²	Obligated	Expended
		Total Estimated Cost		Total Actual Cost ¹	
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	585,641.00		0	
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

Signature of Executive Director: *Mary E. Busch* Date: *OCTOBER 2011*

Signature of Public Housing Director: _____ Date: _____

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

REPLACEMENT HOUSING

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26RO2050111 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2011 FFY of Grant Approval:
---	--	--

Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies
 Performance and Evaluation Report for Period Ending: Revised Annual Statement (revision no:)
 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 - 19)	97,266.00			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director <i>Mary E. Anlivinsk</i>		Date <i>10-21-2010</i>	Signature of Public Housing Director		Date

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFFP Grants for operations.
⁴ RHF funds shall be included here.

2010
CAPITAL PLAN

CAPITAL

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26R02050110 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2010 FFY of Grant Approval:
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Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	Reserve for Disasters/Emergencies <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Final Performance and Evaluation Report	Total Estimated Cost		Obligated	Total Actual Cost ¹ Expended
			Original	Revised ²		
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³					
3	1408 Management Improvements					
4	1410 Administration (may not exceed 10% of line 21)					
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs					
8	1440 Site Acquisition					
9	1450 Site Improvement					
10	1460 Dwelling Structures					
11	1465.1 Dwelling Equipment—Nonexpendable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴		97,266.00	0	0	0

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHIF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant: 2010
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26RQ2050110 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval:

Type of Grant
 Original Annual Statement
 Reserve for Disasters/Emergencies
 Revised Annual Statement (revision no:)
 Performance and Evaluation Report for Period Ending: 6/30/10
 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost	Revised ²	Obligated	Total Actual Cost ¹	Expended
18a	1501 Collateralization or Debt Service paid by the PHA	Original				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment					
19	1502 Contingency (may not exceed 8% of line 20)					
20	Amount of Annual Grant:: (sum of lines 2 - 19)	97,266.00			0	
21	Amount of line 20 Related to LBP Activities					
22	Amount of line 20 Related to Section 504 Activities					
23	Amount of line 20 Related to Security - Soft Costs					
24	Amount of line 20 Related to Security - Hard Costs					
25	Amount of line 20 Related to Energy Conservation Measures					
Signature of Executive Director: <i>W. Ryan</i>		Date: <i>Oct. 21, 2010</i>		Signature of Public Housing Director		Date

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

REPLACEMENT HOUSING

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: _____ Grant Type and Number: _____
 Housing Authority of the City of Danbury: _____
 Capital Fund Program Grant No: CT26PO2050110
 Replacement Housing Factor Grant No: _____
 Date of CFPP: _____

Line	Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	<input type="checkbox"/> Reserve for Disasters/Emergencies	Original	Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost ¹
				Total Estimated Cost	Obligated	
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³		96,670.00	0	0	0
3	1408 Management Improvements		10,000.00	0	0	0
4	1410 Administration (may not exceed 10% of line 21)		53,273.00	0	0	0
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs		85,000.00	0	0	0
8	1440 Site Acquisition					
9	1450 Site Improvement		100,000.00	0	0	0
10	1460 Dwelling Structures					
11	1465.1 Dwelling Equipment—Nonexpendable					
12	1470 Non-dwelling Structures		240,698.00	0	0	0
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴					

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary		FFY of Grant: 2010	
PHA Name:	Grant Type and Number	FFY of Grant Approval:	
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26PO2050110 Replacement Housing Factor Grant No: Date of CFFP:		

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 - 19)	585,641.00			
21	Amount of line 20 Related to LBP Activities			0	
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director		Date		Signature of Public Housing Director	
<i>[Signature]</i>		10-21-2010		<i>[Signature]</i>	

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

2009
CAPITAL PLAN

AMERICAN RECOVERY & REINVESTMENT ACT

ARRA

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary		PHA Name:		Grant Type and Number		FFY of Grant: 2009	
Housing Authority of the City of Danbury		Capital Fund Program Grant No: CT26SO2050109 Replacement Housing Factor Grant No:		Date of CFFP:		FFY of Grant Approval:	

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no:3) <input checked="" type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost ¹
			Original	Revised ²	
1	Total non-CFP Funds				Expended
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)		77,000.00	77,000.00	0.00
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs		96,000.00	96,000.00	24,628.72
8	1440 Site Acquisition				
9	1450 Site Improvement		270,173.00	270,173.00	111,338.10
10	1460 Dwelling Structures		297,070.00	297,070.00	0.00
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures		31,725.00	31,725.00	0.00
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴		0.00	0.00	0.00

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant: 2009
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26S02050109 Replacement Housing Factor Grant No:	FFY of Grant Approval:
	Date of CFFP:	

Type of Grant
 Original Annual Statement
 Reserve for Disasters/Emergencies

Performance and Evaluation Report for Period Ending: 6/30/10
 Revised Annual Statement (revision no: 3)
 Final Performance and Evaluation Report

Line	Summary by Development Account	Original	Revised ²	Obligated	Expended
		Total Estimated Cost		Total Actual Cost ¹	
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 - 19)	771,968.00	771,968.00	771,968.00	135,966.82
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

Signature of Executive Director: *[Signature]* Date: 10-21-2010
 Signature of Public Housing Director: _____ Date: _____

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part II: Supporting Pages		Grant Type and Number Capital Fund Program Grant No: CT26S02050109 CFPP (Yes/No): Replacement Housing Factor Grant No:		Federal FFY of Grant: 2009	
PHA Name: Housing Authority of the City of Danbury					

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA Wide	Administration	1410		77,000	77,000	77,000	0	
PHA Wide	Fees & Costs	1430		96,000	96,000	96,000	24,628.72	
CT20-02 Eden Drive	Exterior Stair Repair/walks	1450		146,523	146,523	146,523	0	
CT20-02 Eden Drive	Electrical Upgrades	1460		0.00	0.00	0	0	
CT20-03 Wooster	Waterproofing / Building Envelope	1460		0.00	0.00	0	0	
CT 00005 Crosby Manor	Federalization of State Units							
CT 00005 Crosby Manor	Window Replacement	1460	50	61,700	61,700	61,700	0	
CT 00005 Crosby Manor	Bathroom upgrades (toilets, GFIs)	1460	50	22,500	22,500	22,500	0	
CT 00005 Crosby Manor	Kitchen Replacement	1460	50	176,750	176,750	176,750	0	
CT 00005 Crosby Manor	Site Improvements (parking lots, walks)	1450	50	123,650	123,650	123,650	111,338.10	
CT 00005 Crosby Manor	504 Upgrades (2 apartments)	1460	2	36,120	36,120	36,120	0	
CT 00005 Crosby Manor	504 Upgrades (Common areas, office, laundry, community Rooms)	1470	1	31,725	31,725	31,725	0	

¹To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
²To be completed for the Performance and Evaluation Report.

CAPITAL

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: _____ Grant Type and Number: _____
 Housing Authority of the City of Danbury Capital Fund Program Grant No: CT26PO2050109
 Replacement Housing Factor Grant No: _____
 Date of CFPP: _____

FFY of Grant: 2009
 FFY of Grant Approval: _____

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	Reserve for Disasters/Emergencies <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Final Performance and Evaluation Report	Total Estimated Cost		Total Actual Cost ¹	
			Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³		95,728.00	95,728.00	95,728.00	95,728.00
3	1408 Management Improvements		10,000.00	6,522.09	6,522.09	6,522.09
4	1410 Administration (may not exceed 10% of line 21)		58,600.00	0.00	0.00	0.00
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs					
8	1440 Site Acquisition		80,000.00	80,000.00	80,000.00	51,907.18
9	1450 Site Improvement					
10	1460 Dwelling Structures		290,000.00	397,755.25	397,755.25	397,755.25
11	1465.1 Dwelling Equipment—Nonexpendable		20,808.00	6,130.66	6,130.66	6,130.66
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment		31,000.00	0.00	0.00	0.00
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴					

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: _____

Grant Type and Number: _____
 Capital Fund Program Grant No: CT26PO2050109
 Replacement Housing Factor Grant No: _____
 Date of CFP: _____

FFY of Grant: 2009
 FFY of Grant Approval: _____

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 3% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	586,136.00	586,136.00	586,136.00	558,043.18
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

Type of Grant: Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no: 2)
 Performance and Evaluation Report for Period Ending: 6/30/10 Final Performance and Evaluation Report

Signature of Executing Director: *[Signature]* Date: 10-21-2010
 Signature of Public Housing Director: _____ Date: _____

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

REPLACEMENT HOUSING

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary		FFY of Grant: 2009	
PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26RO2050109 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval:	

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no:) Final Performance and Evaluation Report		Total Actual Cost ¹	
			Total Estimated Cost Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³					
3	1408 Management Improvements					
4	1410 Administration (may not exceed 10% of line 21)					
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs					
8	1440 Site Acquisition					
9	1450 Site Improvement					
10	1460 Dwelling Structures					
11	1465.1 Dwelling Equipment—Nonexpendable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴		97,444.00		0.00	0.00

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant: 2009
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26RO2050109 Replacement Housing Factor Grant No: Date of CRFP:	FFY of Grant Approval:

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 - 19)	97,444.00		0.00	0.00
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director		Date	Signature of Public Housing Director		Date
<i>[Signature]</i>		10-21-2010	<i>[Signature]</i>		

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement
³ PHAs with under 250 units in management may use 100% of CRF Grants for operations.
⁴ RHF funds shall be included here.

2008
CAPITAL PLAN

CAPITAL

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26R02050108 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2008 FFY of Grant Approval:
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Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	Reserve for Disasters/Emergencies <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Final Performance and Evaluation Report		Revised Annual Statement (revision no:)		
		Summary by Development Account	Original	Revised ²	Obligated	Total Actual Cost ¹ Expended
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³					
3	1408 Management Improvements					
4	1410 Administration (may not exceed 10% of line 21)					
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs					
8	1440 Site Acquisition					
9	1450 Site Improvement					
10	1460 Dwelling Structures					
11	1465.1 Dwelling Equipment—Nonexpendable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴	76,511.00			0.00	0.00

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHP funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant: 2008
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26RO2050108 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval:

Line	Type of Grant	Performance and Evaluation Report for Period Ending: 6/30/10	Total Estimated Cost		Total Actual Cost ¹	
			Original	Revised ²	Obligated	Expended
18a	<input checked="" type="checkbox"/> Original Annual Statement	1501 Collateralization or Debt Service paid by the PHA				
18ba	<input type="checkbox"/> Reserve for Disasters/Emergencies	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	<input type="checkbox"/> Final Performance and Evaluation Report	1502 Contingency (may not exceed 8% of line 20)				
20		Amount of Annual Grant: (sum of lines 2 - 19)	76,511.00		0.00	0.00
21		Amount of line 20 Related to LBP Activities				
22		Amount of line 20 Related to Section 504 Activities				
23		Amount of line 20 Related to Security - Soft Costs				
24		Amount of line 20 Related to Security - Hard Costs				
25		Amount of line 20 Related to Energy Conservation Measures				

Signature of Executive Director: *[Signature]* Date: 10-21-2010 Signature of Public Housing Director: _____ Date: _____

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

REPLACEMENT HOUSING

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary				FFY of Grant: 2008	
PHA Name: Housing Authority of the City of Danbury		Grant Type and Number Capital Fund Program Grant No: CT26PO2050108 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant Approval:	

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no:3) <input checked="" type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost ¹	
			Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³		106,670.00	106,670.00	106,670.00	106,670.00
3	1408 Management Improvements		53,273.00	53,273.00	53,273.00	53,273.00
4	1410 Administration (may not exceed 10% of line 21)		1,021.13	1,021.13	1,021.13	1,021.13
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs		75,000.00	75,000.00	75,000.00	75,000.00
8	1440 Site Acquisition					
9	1450 Site Improvement		297,389.87	297,389.87	297,389.87	245,138.00
10	1460 Dwelling Structures					
11	1465.1 Dwelling Equipment—Nonexpendable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴					

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26PO2050108 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2008 FFY of Grant Approval:
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Type of Grant
 Original Annual Statement
 Performance and Evaluation Report for Period Ending: 6/30/10
 Reserve for Disasters/Emergencies
 Revised Annual Statement (revision no: 3)
 Final Performance and Evaluation Report

Line	Summary by Development Account	Original	Total Estimated Cost	Revised ²	Obligated	Total Actual Cost ¹	Expended
18a	1501 Collateralization or Debt Service paid by the PHA						
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment						
19	1502 Contingency (may not exceed 8% of line 20)						
20	Amount of Annual Grant:: (sum of lines 2 - 19)		533,354.00	533,354.00	533,354.00	481,102.13	
21	Amount of line 20 Related to LBP Activities						
22	Amount of line 20 Related to Section 504 Activities						
23	Amount of line 20 Related to Security - Soft Costs						
24	Amount of line 20 Related to Security - Hard Costs						
25	Amount of line 20 Related to Energy Conservation Measures						
Signature of Executive Director: <i>[Signature]</i>		Date: 10-21-2010	Signature of Public Housing Director:		Date:		

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

2007

CAPITAL PLAN

CAPITAL

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary		FFY of Grant: 2007	
PHA Name:	Grant Type and Number	FFY of Grant Approval:	
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26PO2050107 Replacement Housing Factor Grant No: Date of CFP:		

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/10	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no:3) <input checked="" type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost ¹	
			Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³		106,546.00	106,546.00	106,546.00	106,546.00
3	1408 Management Improvements		53,273.00	53,273.00	53,273.00	53,273.00
4	1410 Administration (may not exceed 10% of line 21)		53,273.00	53,273.00	53,273.00	53,273.00
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs		72,500.00	72,500.00	72,500.00	72,500.00
8	1440 Site Acquisition					
9	1450 Site Improvement		0.00	0.00	0.00	0.00
10	1460 Dwelling Structures		247,141.00	247,141.00	247,141.00	247,141.00
11	1465.1 Dwelling Equipment—Nonexpendable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴					

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant: 2007
Housing Authority of the City of Danbury	Capital Fund Program Grant No: CT26PO2050107 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval:

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	532,733.00	532,733.00	532,733.00	532,733.00
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

Type of Grant: Original Annual Statement Reserve for Disasters/Emergencies
 Performance and Evaluation Report for Period Ending: 6/30/10 Revised Annual Statement (revision no: 3)
 Final Performance and Evaluation Report

Signature of Executive Director
Mary C. DeW

Date
 10/20/10

Signature of Public Housing Director
 Date

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

REPLACEMENT HOUSING

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26RO2050107 Replacement Housing Factor Grant No: Date of CFP:	FFY of Grant: 2007 FFY of Grant Approval:
---	---	--

Line	Type of Grant	Original	Total Estimated Cost		Obligated	Total Actual Cost ¹
			Revised ²	Final Performance and Evaluation Report		
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³					
3	1408 Management Improvements					
4	1410 Administration (may not exceed 10% of line 21)					
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs					
8	1440 Site Acquisition					
9	1450 Site Improvement					
10	1460 Dwelling Structures					
11	1465.1 Dwelling Equipment—Nonependable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴	107,607.00			0.00	0.00

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

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

Part I: Summary

PHA Name: Housing Authority of the City of Danbury	Grant Type and Number Capital Fund Program Grant No: CT26RCO2050107 Replacement Housing Factor Grant No: Date of CRFP:	FFY of Grant: 2007 FFY of Grant Approval:
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Line	Type of Grant	Performance and Evaluation Report for Period Ending: 6/30/10	Total Estimated Cost		Total Actual Cost ¹	
			Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA					
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment					
19	1502 Contingency (may not exceed 8% of line 20)					
20	Amount of Annual Grant:: (sum of lines 2 - 19)		107,607.00		0.00	0.00
21	Amount of line 20 Related to LBP Activities					
22	Amount of line 20 Related to Section 504 Activities					
23	Amount of line 20 Related to Security - Soft Costs					
24	Amount of line 20 Related to Security - Hard Costs					
25	Amount of line 20 Related to Energy Conservation Measures					
Signature of Executive Director		Date	Signature of Public Housing Director		Date	
<i>W. Wang</i>		10-21-2010				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CRFP Grants for operations.
⁴ RHF funds shall be included here.

Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1. Yes No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

2. Activity Description

2. Yes No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

Demolition/Disposition Activity Description
1a. Development name: Scattered Sites 1b. Development (project) number: CT020-013
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Sale
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: <u>(11/31/2007)</u>
5. Number of units affected: 18
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 11/01/2007 b. Projected end date of activity: 12/30/2010

Demolition/Disposition Activity Description	
1a. Development name:	High Ridge Gardens
1b. Development (project) number:	CT020 1A
2. Activity type:	Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one)	Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission:	<u>03/2006</u>
5. Number of units affected:	60
6. Coverage of action (select one)	<input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity:	a. Actual or projected start date of activity: 10/2004 b. Projected end date of activity: 06/01/2008

Demolition/Disposition Activity Description	
1a. Development name: Scattered Sites	
1b. Development (project) number: CT0201A	
2. Activity type: Demolition <input type="checkbox"/>	Disposition <input checked="" type="checkbox"/> Acquisition and Rehabilitation
Federalization of State Housing Units	
3. Application status (select one)	
Approved <input type="checkbox"/>	
Submitted, pending approval <input type="checkbox"/>	
Planned application <input checked="" type="checkbox"/>	
4. Date application approved, submitted, or planned for submission: (2/2010)	
5. Number of units affected: 202	
6. Coverage of action (select one)	
<input type="checkbox"/> Part of the development	
<input checked="" type="checkbox"/> Total development	
7. Timeline for activity:	
a. Actual or projected start date of activity: 8/2009	
b. Projected end date of activity: 03/2012	
Demolition/Disposition Activity Description Federalization of HACD's State Housing Family and Senior Programs.	
1a. Development name: Scattered Sites	
1b. Development (project) number: CT0201A	
2. Activity type: Demolition <input type="checkbox"/>	
Disposition <input checked="" type="checkbox"/> Acquisition and Rehabilitation	
3. Application status (select one)	
Approved <input type="checkbox"/>	
Submitted, pending approval <input type="checkbox"/>	
Planned application <input checked="" type="checkbox"/>	
4. Date application approved, submitted, or planned for submission: (8/2009)	
5. Number of units affected:7	
6. Coverage of action (select one)	
<input type="checkbox"/> Part of the development	
<input type="checkbox"/> Total development	
7. Timeline for activity:	
a. Actual or projected start date of activity: 8/2009	
b. Projected end date of activity: 03/2010	

9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities.

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9: Section 8 only PHAs are not required to complete this section.

1. Yes No:

Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If "No", skip to component 10. If "yes", complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.) **In 1999, HACD applied and received HUD's approval to designate (2) two federal properties or 152 units as Elderly only.**

2. Activity Description

Yes No:

Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If "yes", skip to component 10. If "No", complete the Activity Description table below.

Designation of Public Housing Activity Description	
1a. Development name: Putnam Towers	
1b. Development (project) number: CT020-004	
2. Designation type: Occupancy by only the elderly <input checked="" type="checkbox"/> Occupancy by families with disabilities <input type="checkbox"/> Occupancy by only elderly families and families with disabilities <input type="checkbox"/>	
3. Application status (select one) Approved; included in the PHA's Designation Plan <input checked="" type="checkbox"/> 1999 Original Submission Submitted, pending approval <input checked="" type="checkbox"/> Planned application <input type="checkbox"/>	
4. Date this designation approved, submitted, or planned for submission: (2004)	
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input checked="" type="checkbox"/> Revision of a previously-approved Designation Plan?	
6. Number of units affected: 54	
7. Coverage of action (select one)	

<input type="checkbox"/> Part of the development	<input checked="" type="checkbox"/> Total development
Designation of Public Housing Activity Description	
1a. Development name: Wooster Manor	
1b. Development (project) number: CT020-003	
2. Designation type: Occupancy by only the elderly <input checked="" type="checkbox"/> Occupancy by families with disabilities <input type="checkbox"/> Occupancy by only elderly families and families with disabilities <input type="checkbox"/>	
3. Application status (select one) Approved; included in the PHA's Designation Plan <input checked="" type="checkbox"/> 1999 Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>	
4. Date this designation approved, submitted, or planned for submission: (2004) _____)	
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input checked="" type="checkbox"/> Revision of a previously-approved Designation Plan?	
7. Number of units affected: 98	
7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development	

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.79(j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act

1. Yes No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If "yes", skip to component 11. If "No", complete the Activity Description table below.

Conversion of Public Housing Activity Description

1a. Development name:

1b. Development (project) number:

2. What is the status of the required assessment?

- Assessment underway
- Assessment results submitted to HUD
- Assessment results approved by HUD (if marked, proceed to next question)
- Other (explain below)

3. Yes No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)

4. Status of Conversion Plan (select the statement that best describes the current status)

- Conversion Plan in development
- Conversion Plan submitted to HUD on: (DD/MM/YYYY)
- Conversion Plan approved by HUD on: (DD/MM/YYYY)
- Activities pursuant to HUD-approved Conversion Plan underway

5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)

- Units addressed in a pending or approved demolition application (date submitted or approved: _____)
- Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: _____)
- Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: _____)
- Requirements no longer applicable: vacancy rates are less than 10 percent
- Requirements no longer applicable: site now has less than 300 units
- Other: (describe below)

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

1. Yes No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If "No", skip to component 11B; if "yes", complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description
 Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If "yes", skip to component 12. If "No", complete the Activity Description table below.)

Public Housing Homeownership Activity Description (Complete one for each development affected)	
1a. Development name: Scattered Sites	
1b. Development (project) number: CT020-007,008,-011,-012, -013	
2. Federal Program authority:	
<input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input checked="" type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)	
3. Application status: (select one)	
<input checked="" type="checkbox"/> Approved; included in the PHA's Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application	
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: 06/01/2005	
5. Number of units affected: 46	
6. Coverage of action: (select one)	
<input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development	

B. Section 8 Tenant Based Assistance

1. Yes No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If "No", skip to component 12; if "yes", describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description: Stetson Place

a. Size of Program

- Yes No: Will the PHA limit the number of families participating in the Section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants
 26 - 50 participants
 51 to 100 participants
 more than 100 participants

b. PHA-established eligibility criteria

- Yes No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria? If yes, list criteria below:

2. Program Description: Scattered Sites

a. Size of Program

- Yes No: Will the PHA limit the number of families participating in the Section 8 homeownership option?

b. If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants
 26 - 50 participants
 51 to 100 participants
 more than 100 participants

b. PHA-established eligibility criteria

- Yes No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria? If yes, list criteria below:

2. Program Description: High Ridge Gardens

a. Size of Program

- Yes No: Will the PHA limit the number of families participating in the Section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants
- 26 - 50 participants
- 51 to 100 participants
- more than 100 participants

b. PHA-established eligibility criteria

- Yes No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?
If yes, list criteria below:

Project-Based Vouchers

Consistent with Section 232 of the *FY 2001 VA-HUD Appropriations Act* (PL 106-377), the *Notice* published in 66 Fed. Reg. 3605 (January 16, 2001) and *HUD Notice NH 2001-4 (HA)* dated January 19, 2001, HACD makes the following statement:

1. As of March 31, 2010, HACD expects to execute HAP contracts for 1 buildings and complete rentals for 4 families under the Housing for Heroes Initiative.
2. Of the Authority's approved HUD funding for 802 Section 8 tenant based vouchers as of December 31, 2010, the Authority expects to utilize no more than approximately 4 four vouchers for this initiative, representing less than 1 % of the total available units.
3. HACD understands that all new project-based assistance agreements must be for units within census tracts with poverty rates of less than 20 percent, unless HUD specifically approves an exception. 66 Fed. Reg. At 3608.
4. HACD will carry out this program in accordance with 42 USC §1437f(o)(13), as amended by §232 of the *FY 2001 VA-HUD Appropriations Act*, and in conformity with the non-discrimination requirements specified in 24 CFR §903.7(o). In carrying out this program, the Authority will act affirmatively to further fair housing.
5. The Section 8 Project-Based Initiative will be consistent with HACD's FY 2010 Agency Plan because:
 - a. Project-basing in certain locations is needed to assure the availability of units for a period of years.
 - b. Project-basing broadens the scope of HACD's program for applicants and landlords. It allows HACD to assist families who would not otherwise be eligible for assistance and acts as a source to stabilize veteran families.
 - c. Consistent with the goals of HACD's Five-Year plan, the Section 8 project-Based Initiative: expands the supply of assisted housing; increases assisted housing choice; ensures equal opportunity, and deconcentrates poverty and expands economic opportunities.

Compliance with the Violence Against Women's Act (VAWA)

Domestic Violence:

In accordance with the Violence Against Women and Justice Department Reauthorization Act, the Authority has adopted a preference that recognizes and protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. The Authority has also adopted an admission preference for individuals that are residing in a situation of domestic violence and that are displaced as a result of their situation. The family must provide evidence that documents the domestic violence by providing a police report that verifies their claim. The following also applies:

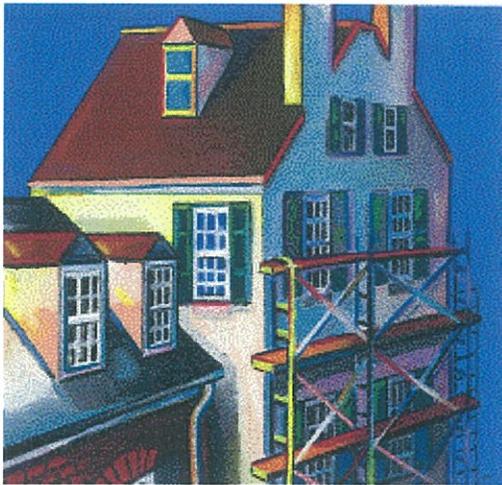
- The domestic violence must be recent and individual must provide evidence of an established pattern either by utilizing HUD Form 50066, Certification of Domestic Violence, Dating Violence, or Stalking or local police record or court record, documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance.
- Must provide evidence of an established relationship along with a lease agreement
- confirming co-habitation.
- The family must agree to sign a restraining order against the offender.
- The family must certify that the person who resides with them that engages in such domestic violence will not reside with the family upon placement. If the family is admitted the Authority may deny or terminate assistance to the family for breach of this certification.
- The family will be required to sign a document stating they will not release the location of their new residence to the party responsible for the abuse and threats. If the family is determined eligible for the aforementioned "Domestic Violence Preference" and is housed, the family will not be eligible for a transfer into another Authority unit if it is determined that the family was responsible for the release of their whereabouts to the offender, as it will result in a financial burden to the Authority. A current family in residence with the Authority will only be entitled to one transfer.

Furthermore, the Authority will not evict a tenant for criminal activity relating to verified incidents of actual or threatened domestic violence, dating violence, or stalking. The Authority may request a tenant under such threat of eviction to certify that the incidents in question are bona fide incidents of abuse by producing either (1) a Federal, State, tribal, territorial, or local police or court record or (2) a sworn statement, also signed by the tenant, from (a) a victim service provider; (b) an attorney; or (c) a medical professional verifying the validity of the incidents. If the certification is not received by the Authority within 14 days, the Authority may proceed with the eviction. The Authority, however, has the discretion of extending the 14-day period. All information provided to the Authority in such certification shall be retained in confidence, except to the extent disclosure is

(i) requested or consented to by the tenant in writing; (ii) required for use in an eviction proceeding; or (iii) otherwise required by applicable law. If it is verified that the tenant is a victim of actual or threatened domestic violence, dating violence, or stalking engaged in by a member of the tenant's household, or any guest or other person under the tenant's control, the Authority may bifurcate the lease in order to evict only the tenant or lawful occupant engaging in these criminal acts, without evicting or otherwise penalizing the victim who is also a tenant or lawful occupant.

HOUSING AUTHORITY OF THE CITY OF DANBURY (CT)
MILL RIDGE ROAD
DANBURY, CT 06811

**ADMISSIONS AND CONTINUED
OCCUPANCY POLICY**



Amended August 19, 2010 by Resolution 871
Amended March 18, 2010 by Resolution 850
Amended March 3, 2010 by Resolution 841
Amended February 18, 2010 by Resolution 839
Amended August 20, 2009 by Resolution 806
Amended June 18, 2009 by Resolution 801
Amended February 19, 2009 by Resolution 775
Amended March 20, 2008 by Resolution 726
Amended October 18, 2007 by Resolution 685
Amended October 6, 2006 by Resolution 634
Amended January 19, 2006 by Resolution 581

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POLICY ON ADMISSIONS AND CONTINUED OCCUPANCY

I. GENERAL STATEMENT OF MISSION, NONDISCRIMINATION AND PRIVACY

It is the intent of the Housing Authority of the City of Danbury (CT) (hereinafter referred to as HACD) to provide safe, decent housing for eligible lower income families and to promote self-sufficiency and economic independence. HACD will not discriminate because of race, color, gender, sexual preference, religion, age, disability, ancestry, national origin, marital, familial status or lawful source of income in the leasing, rental, or other disposition of housing or related facilities (including property) included in any housing development(s) under its jurisdiction covered by a contract for annual contribution under the United States Housing Act of 1937, as amended or with the State of Connecticut or in the use or occupancy thereof.

It is the policy of HACD to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968, amended by the Community Development Act of 1974, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disability Act, and any other legislation protecting the individual rights of tenants, applicants, or staff, which may subsequently be enacted.

HACD shall not automatically deny admission to any particular group or category of otherwise eligible families nor will any criteria be applied, or information be considered, pertaining to attributes or behavior that may be imputed by some to a particular group or category. All criteria applied and information considered in administering this policy shall relate solely to the attributes and behavior of the individual members of the household.

It is also the policy of HACD to guard the privacy of individuals in accordance with the Privacy Act of 1974, and to ensure the protection of individuals' records maintained by HACD; therefore, HACD shall not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law. This privacy policy in no way limits HACD's ability to collect such information as it may need to determine eligibility, compute rent, or determine the applicant's suitability for tenancy. All adult members of the household are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. This document discusses how information provided by the family will be released and includes the Federal Privacy Act Statement.

HACD is committed to identifying and eliminating situations, which create barriers to equal housing for all. In accordance with the Americans with Disability Act and Section 504 of the Rehabilitation Act of 1973, as amended, HACD will make such procedural, administrative, location, or physical changes as will reasonably accommodate persons with disabilities and which do not impose an unreasonable burden either administratively or financially on HACD. When such reasonable accommodations are granted, they do not confer special treatment but rather they serve to make the program equally available to all persons. All notifications to applicants and residents will include information about how to request from HACD reasonable accommodation.

In order to determine whether a request for an accommodation is reasonable, the requested accommodation must not constitute a fundamental alteration to the Authority's business, nor can the requested accommodation create an undue financial hardship or administrative burden on HACD. If the resident requests as a reasonable accommodation permission to make physical modifications at their own expense, the Authority reserves the right to disapprove such request if the modifications violate local, state, or federal housing codes or negatively impact the structural integrity of the unit.

Any request for an accommodation that would enable the resident to materially violate the terms and conditions of the lease agreement, such as allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc., will not be approved by HACD.

HACD will further take reasonable steps to ensure meaningful access to the housing and services available at the Authority by people of limited English-speaking proficiency, in compliance with Title VI of the 1964 Civil Rights Act. In designing and implementing these steps, HACD will take into account the number of people with limited English-speaking proficiency who are likely to come into contact with the Authority and services, including the populations of people identified in the Affirmative Fair Housing Marketing Plan approved by HUD in connection with the development; the frequency with which such people will come into contact with the Management Agent and service providers at the Authority; the importance of the particular activity, service or interaction with an applicant or resident; and resources available and the costs of taking the steps.

II. ELIGIBILITY FOR ADMISSION

A. Project Eligibility

It is the HACD's policy that each applicant shall be assigned an appropriate place on a waiting list for which a preliminary application has been received.

A waiting shall be maintained for the following types of properties within the HACD's jurisdiction, which are listed below:

1. Designated Elderly only - or one or two adult family members where the head, spouse, or co-head is 62 years of age or older. These include Putman Towers and Wooster Manor.
2. Elderly/Disabled Housing – one or two adult family members where the head, spouse, or co-head is 62 years of age or older, or a person with a disability as defined in Appendix G. These properties include Glen Apartments, Crosby Manor and Ives Manor. Preference shall be given to those applicants who are 62 years of age. Once the waiting list has been exhausted of elderly and/or disabled applicants, near-elderly applicants shall be considered.
3. Family/Multifamily units – one to four bedroom units with at least one adult family member. These properties include Eden Drive, Laurel Gardens, State Moderate Rental housing, and Moderate Rehabilitation programs.
4. Scattered Sites- are based upon Public Housing eligibility requirements.

B. Criteria for Eligibility

It is the policy of HACD to admit to its housing developments only eligible applicant families according to the following criteria:

1. Those who qualify as a family, single person, elderly person, near-elderly person, displaced family or remaining adult member of a tenant family (see Appendix G-Glossary of Terms).
2. Those families whose annual income at the time of admission does not exceed the income limits or guidelines as prescribed by HUD for federal or state assisted housing. A copy of the most current income limits or guidelines shall be conspicuously posted at HACD locations. Income limits shall be used as follows:
 - a. Federal Public Housing, Housing Choice Voucher program, Crosby Manor, and Mill Ridge/Fairfield Ridge Section 8 Moderate Rehabilitation (30-units) must be at or below the current income limit set for very low income families. This income limit is based upon 50% of the median income for the area.
 - b. State Programs including State Moderate Rental and Glen Apartments, as well as Ives Manor, Fairfield Ridge Section 8

Substantial Rehab (25 units) and Single Room Occupancy House must be at or at or below the current income limit set for low income families. This income limit is based upon 80% of the median income for the area.

3. All applicant and tenant family members are required to disclose and provide verification of the complete and accurate social security number (SSN) assigned to them; excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status.
4. Assistance in subsidized housing is restricted to those family members who are U.S. citizens or nationals and noncitizens that have eligible immigration status. Families with one or more ineligible family members and one or more eligible family members may receive prorated assistance in accordance with HUD guidelines.
5. Those families whose household composition is appropriate for the housing types and unit sizes available in HACD developments in accordance with the occupancy standards outlined herein.
6. Those families who do not maintain another residence in addition to a HACD unit.
7. Those families whose members have not committed fraud in connection with any Federal Housing Assistance program.
8. Those families whose members have not been evicted from federally-assisted housing because of drug-related criminal activity for a five-year period prior to the date of admission (see Appendix G—Glossary of Terms).
9. Those families whose members have been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of a federally assisted housing project. These families are denied admission for life.
10. Those families who include any individual who is subject to a lifetime registration requirement under a state sex offender registration program. These families are denied admission for life.
11. Those families who provide HACD all required information to determine eligibility for one of its housing programs within a reasonable amount of time (not to exceed 5 business days).
12. Those families who meet or exceed the Tenant Selection Criteria outlined in Section E of this Chapter.

C. Waiver of Criteria for Ineligibility for Drug-Related Activity and/or Alcohol Abuse

HACD may at its sole discretion waive the criteria for ineligibility for drug-related

activities and/or alcohol abuse if the family members demonstrate to the satisfaction of HACD that:

1. The member is no longer engaging in illegal use of a controlled substance or abuse of alcohol, and
2. Has successfully completed a supervised drug or alcohol rehabilitation program;
3. Has otherwise been rehabilitated successfully; or
4. Is participating in a supervised drug or alcohol rehabilitation program, as verified by an authority from such program.
5. The Authority may require an applicant to exclude a household member in order to be admitted to the housing program where that household member has participated in or been culpable for actions that warrant denial.

D. Determining Eligibility of College Students for Public Housing and Section 8 Assistance

HACD must determine a student's eligibility for Section 8 voucher and project-based assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.

1. Section 8 assistance shall not be provided to any individual who:
 - a. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
 - b. Is under the age of 24;
 - c. Is not married;
 - d. Is not a veteran of the United States Military;
 - e. Does not have a dependent child;
 - f. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2006).
 - g. Is not living with his or her parents who are receiving Section 8 assistance; **and**
 - h. Is not individually eligible to receive Section 8 assistance **and** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.
2. For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While HACD may

use additional criteria for determining the student's independence from parents, HACD must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:

- a. Be of legal contract age under state law;
 - b. Be income eligible for admission to the housing program;
 - c. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or
Meet the U.S. Department of Education's definition of an independent student. (See the Glossary for definition of Independent Student);
 - d. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - e. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
3. Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance. (See Glossary for expanded definition of Student Financial Assistance.)
 4. If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

HACD shall not evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

E. Eligibility Restrictions Regarding Non-citizens

1. As required by HUD (24 CFR 5 subpart E), eligibility for assistance or continued assistance under a Section 214 program, such as public housing, is contingent upon a family's submission of documentation either declaring U.S. citizenship or eligible immigration status. HACD will require both current tenants and applicants to submit the required citizenship or eligible immigration documentation for every household member in order to receive or continue to receive housing assistance. Documentation will be required of all new admissions at the time an application is processed by HACD. Any current tenant who has not already provided documentation will be required to document citizenship or immigration status at the next reexamination. It is necessary to provide this information only one time for each family member during continued occupancy at HACD. Whenever a new family member is added, documentation must be provided before the new member can be added to the lease.
2. Proof of citizenship will take the following form:

- a. For families claiming U.S. citizenship, each applicant or tenant family member must sign the citizenship declaration form and present appropriate documentation (such as U.S. passport, birth certificate, resident alien card, or other appropriate documentation), which will become a permanent part of the tenant file. Adults will be required to sign on behalf of all children under the age of eighteen years.
- b. Noncitizens age 62 years or older who are current tenants or applicants will be required to sign a declaration of eligible immigration status and proof of age.
- c. Tenants and applicants who are noncitizens declaring eligible immigration status must:
 - (1) sign a declaration of eligible immigration status;
 - (2) provide documents, such as Alien Registration Receipt Card, Arrival/Departure Record, Temporary Resident Card, Immigration and Naturalization Service (INS) receipt in the event of any lost or missing cards listed above; and
 - (3) sign a verification consent form.
3. HACD has the right to deny, terminate or adjust housing assistance if members of any household are found to be non-citizens with ineligible immigration status; however, this determination will not take place until all appeals requested have been exercised by the household. HACD may grant time extensions to provide appropriate information, provided that the household shows a diligent effort in obtaining immigration status documents.
4. HACD may not make assistance available to a family submitting an application until at least the eligibility of one family member has been established, and assistance must be prorated based on the number of individuals in the family for whom eligibility has been affirmatively established. This proration requirement does not apply to HACD state public housing.
5. HACD may not delay, deny, reduce or terminate eligibility of an individual for assistance on the basis of the immigration status of the individual. The family will not be penalized for delays on the part of those entities, which must verify eligible immigration status.
6. Continued assistance provided to an eligible mixed family after November 29, 1996 will be prorated based on the percentage of family members that are eligible for assistance.
7. HACD is required to suspend assistance to a family for a period of at least 24 months if it is determined that the family has knowingly permitted an ineligible individual to reside on a permanent basis in the family's unit. This provision does not apply if the ineligible individual has already been

considered in calculating any proration of assistance for the family.

8. If HACD discovers that citizenship information provided is expired, fraudulent, or otherwise invalid, it will notify the family or individual of the results of these findings. The family or individual will then have 30 days from the date of the notification to file an appeal with the INS to correct the problem. The family or individual must provide HACD a copy of the appeal request to the INS, which will become a permanent item in the tenant file. HACD can extend this 30-day appeal period at its sole discretion if good cause is found.
9. Any applicant or resident family affected by these provisions has the right to a formal appeal provided the family notifies HACD within 30 days of the action or decision the family wishes to appeal. All appeals will be conducted in accordance with the provisions of HACD's Informal Review or Grievance Policy, whichever is applicable.
10. In accordance with Federal rules, mixed families who were living in HACD's units as of June 19, 1995, are permitted to receive continued assistance provided that either the head of household or spouse have eligible immigration status and any ineligible family members are either the head, spouse, parents, or children of the head or spouse.
11. Families who were living in units operated by HACD as of June 19, 1995, but became ineligible for housing assistance because there are no family members with eligible immigration status may be given a temporary deferral of assistance to transfer to other housing at the discretion of HACD. If the temporary assistance is provided, it will be offered in six-month increments and never for longer than a total of 18 months. The maximum period for deferrals granted prior to November 29, 1996 will be three years.
12. Families that no longer qualify for housing assistance due to their citizenship status may apply for prorated assistance to decrease the level of housing assistance provided to the household based on the ratio of eligible and ineligible persons in the household.
13. Rental housing assistance is prohibited to non-citizen students and their families. None of the provisions of the rules related to prorated assistance, continued assistance, or temporary deferral of termination of assistance applies to non-citizen students. This prohibition does not include a citizen's spouse and their children.

F. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide

Some applicants and tenants who would not otherwise be able to fully discharge the responsibilities of tenancy may be able to do so with the assistance of a live-in aide residing in the unit. When an applicant or tenant can provide documentation to the satisfaction of HACD that a live-in aide is required and available, the following provisions shall apply:

1. The live-in aide must submit information as requested and be reviewed by HACD staff for eligibility under applicable selection criteria listed below prior to moving into the unit. If HACD determines an individual proposed as a live-in aide to be ineligible, the tenant or applicant may propose an alternate live-in aide for screening or may appeal HACD's determination as provided in the Informal Review Procedure (Appendix A).
2. The applicant or tenant and the live-in aide may each be allocated a separate bedroom.
3. The head of household is responsible for all acts of all household members with respect to the requirements of the dwelling lease including a live-in-aide. Any violation of lease provisions by the live-in aide may be cause for eviction of the household.
4. The live-in aide does not have rights to continue his/her occupancy as a remaining member of a household.

G. HACD's Tenant Selection Criteria

1. It is HACD's policy that all applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, HACD will require applicants to demonstrate that in present or prior housing the applicant has complied with essential provisions of the lease. A history by any household member of any of the following may be sufficient cause for HACD to deny eligibility:
 - a. A record of nonpayment of rightful obligations under a lease, including rent and utilities.
 - b. A record of disturbances of neighbors.
 - c. A record of destruction of property.
 - d. Inability to maintain their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety or welfare of other tenants.
 - e. Any household member has ever been arrested of arson or child molestation.
 - f. A history of drug-related or criminal activity involving crimes of physical violence to persons or property as documented by a police arrest and/or conviction within the last 5 years. Drug-related or criminal activity would include but not limited to homicide, murder, destruction of property or vandalism, burglary, robbery or theft, drug trafficking, manufacture, use or possession, threats or harassment, assault or fighting, domestic violence, weapons offenses, criminal sexual assaults, home invasion, drug-related arrests or convictions, or a record of other criminal acts.

subsidized housing program is part of the screening evaluation. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved track record. HACD will reject an applicant for unpaid balances owed HACD by the applicant for any program that HACD operates or who owe funds, or judgment debts to any utility company or who cannot obtain utilities in their own name. HACD expects these balances to be paid in full (either in a lump sum or over time while on the waiting list) before initiating the full screening process. HACD will not make offers to families who owe back balances or cannot obtain utilities in their own name.

4. Applicants MUST disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to:

- 3) Minor children where both parents share 50% custody
- 4) Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.

This information will be reviewed on an annual basis, at each annual certification. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

H. Verification of Final Eligibility Determination

Each applicant household shall be required to provide all documentation, information and authorizations necessary to enable HACD to verify the applicant's income eligibility, household composition and conformance to HACD's tenant selection criteria.

1. The applicant will be notified in writing and given a reasonable time not to exceed business 5 days after the interview, subject to the circumstances, to

furnish required documentation. If after 5 business days all required information is not provided, an Additional Information Letter will be sent giving 5 additional business days to provide HACD with the necessary information or the family will be removed from the waiting list. The decision will be made by HACD staff and documented, in writing, and placed in the applicant file.

2. Documentation may be required for any or all household members. Verification shall be from third party sources whenever possible. When HACD has determined that third party verification is not possible, it will attempt to obtain other HUD acceptable forms of verification, i.e. telephone verification, tax returns and check stubs, etc. When HACD and applicant household have made all reasonable efforts to obtain third party written verification, documents obtained from the applicant and photocopied are an acceptable form of verification, when not prohibited by law. If photocopying is prohibited by law, HACD staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. Oral third party verifications are also acceptable, if properly documented.
3. Each applicant household shall have an interview with a member of HACD staff using an interview checklist. Every adult member of the applicant household should be present at the office visit except if there are extenuating circumstances.
4. HACD shall require the applicant to:
 - a. Sign all forms necessary to determine eligibility and suitability including HUD 9886/9887 Release of Information;
 - b. Provide verification of income, assets, exclusions and deductions from income;
 - c. Provide verification of family size, age and relationship, including birth certificates for all household members.
 - d. Disclose the social security numbers of all family members six (6) years of age and older and present social security cards or appropriate documentation for each household member;
 - e. Provide citizenship information;
 - f. Provide the names and addresses of the applicant's current and previous landlords for the past five (5) years (or longer if needed to get a minimum of two prior landlords);
 - g. Provide the most recent six (6) month rent receipts where appropriate;
 - h. Provide any other information HACD determines is necessary to determine eligibility for housing at HACD.

5. HACD will use the following additional sources of information for further verification of tenant eligibility:
 - a. Police and Court Records Check. HACD will obtain police and court records from local or state authorities (or wherever applicants has lived) for all adult members of the applicant family for evidence of behavior, which is relevant to the tenant selection criteria outlined herein.
 - b. Credit Reports. HACD may obtain credit reports on all adult family members to determine the household's history of meeting financial obligations, especially rent and utilities. Lack of credit history will not, by itself, cause an applicant to fail this criterion.
6. All verifications and documentation received by HACD for use in the determination of eligibility for housing at HACD, will be analyzed by staff and a determination made with respect to:
 - a. Eligibility of the applicant family based on the requirements outlined in Chapter II of this policy;
 - b. Housing type and unit size requirements.
7. Applicants determined to be ineligible for housing at HACD will be promptly notified and will receive a Notice of Ineligibility from HACD stating the basis for this determination and the time frame to submit the written hearing request. HACD will provide such applicants with the opportunity for an Informal Review of the decision in accordance with the HUD regulations and the procedure for Informal Reviews contained in Appendix A of this Policy.
8. Applicants who receive a Notice of Ineligibility will be considered ineligible for housing at HACD for a period of one (1) year from the Notice of Ineligibility and will be removed from the waiting list. After the one-year period, these applicants may reapply for housing, subject to all conditions outlined herein and provided the waiting list is open.
9. HACD shall maintain a record of all applicants determined ineligible for a period of three (3) years as a result of the failure to meet its tenant selection criteria, with an indication of the specific reason(s) for the determination of ineligibility.
10. Applicants who have disabilities who have been determined to be eligible but who fail the tenant selection criteria will have their cases examined by HACD to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the selection criteria outlined herein.
11. If during the final eligibility determination, or at any other time prior to placement, it is determined that the family's qualification for a certain

bedroom size has changed, the family's application shall be placed on the waiting list for the appropriate bedroom size based on the original date of the family's pre-application.

III. APPLICATION FOR ADMISSION

A. Application Intake

HACD will accept pre-applications for the Housing Choice Voucher programs including Federal Housing Choice Voucher, Designated Housing Choice Voucher, Family Unification Program, Vouchers for Victims of Domestic Violence; Moderate Rehabilitation and Substantial Rehabilitation family programs; Eden Drive and Laurel Gardens federal family programs; State Moderate Rental Family; Federal Elderly, for which all new admissions shall be at least 62 years of age; Crosby Manor federal elderly program; Glen Apartments and Ives Manor Elderly, for which the head, spouse or co-head must be either 62 years of age or a person with a disability(ies) as defined in Appendix G; and Single Room Occupancy House programs at the office located at 2 Mill Ridge Road, via mail, and each site office when the waiting list(s) is open, and only during publicly announced time periods during which all interested persons may apply for admission. Accommodations will be made for interested, disabled applicants.

HACD maintains a community-wide waiting list for its Federal Housing Choice Voucher program, Designated Housing Voucher program, Family Unification Program, Vouchers for Victims of Domestic Violence, Moderate Rehabilitation and Substantial Rehabilitation family programs, State Moderate Rental Family, Federal Elderly, Ives Manor Elderly and Single Room Occupancy programs. HACD maintains site-based waiting lists for Laurel Gardens and Eden Drive federal family programs, Crosby Manor federal elderly program, and Glen Apartments state elderly program. Wait Lists for each program will be maintained by bedroom size with the exception of Housing Choice Voucher, Designated Voucher, Family Unification Program and Vouchers for Victims of Domestic Violence, which will be maintained by date and time of application.

Individuals with documented disabilities that may prevent them from completing a pre-application or formal application may contact HACD to make special arrangements for completing the housing application. HACD will make reasonable accommodation to ensure all applicants have the opportunity to complete the housing application.

B. Closing/Opening of Waiting List(s)

When the number of applicants who can be served within a reasonable period of time is reached, the waiting list(s) may be closed by unit size and/or housing type. Notice of opening and closing of the waiting list(s) shall be made in the Danbury News Times on two (2) consecutive Sundays and announced by other suitable means.

C. Criteria for Placement on Waiting List

Eligible applicants will be placed on the waiting list(s) based on information provided on the pre-application form and according to:

1. Unit size/type needed
2. Local preference declaration

3. Date and time of application

Federal regulations no longer give preference to elderly, disabled, or displaced families over other single persons in federal housing programs.

HACD shall utilize a preliminary application form (pre-application). The purpose of the pre-application is to permit HACD to assess a family's preliminary eligibility and placement on the waiting list(s). Factors considered include family's income within HUD established income limits, the family's eligibility for a waiting list that is currently open, and if the family has provided all required forms and documentation. Duplicate pre-applications, including applications from a segment of an applicant household, will not be accepted. Ineligible applicants or incomplete applications from applicants will not be placed on the waiting list.

Incomplete applications will be returned to the applicant with a list of missing and/or deficient items.

If an applicant is determined to be ineligible for placement on the waiting list based on the information provided in the pre-application, HACD will notify the applicant in writing, state the reasons, and inform the applicant of his/her right to an Informal Review (see Appendix A).

D. Maintaining an Active Waiting List(s)

The pool of active applicants will be kept current by requiring each applicant to inform HACD at least once annually of continued interest. HACD will send a notice to the applicant, requiring the applicant to indicate continued interest and any updated information, such as change of address or household information within ten (10) business days. If the applicant fails to respond within that time frame, the applicant's name will be removed from the waiting list(s).

Applicants may request in writing information on the family's position on the waiting list(s). Telephone or in-person requests will not be honored.

E. Responsibility to Report Changes

Applicants on the waiting list(s) must also provide in writing to HACD any changes in income, family composition, address or any other information provided on the preliminary application within 10 business days of the change. Any such changes could affect the applicant's status or eligibility for housing. Any applicant knowingly providing false information or fraudulent statements affecting the applicant's status or eligibility for housing will be removed from the waiting list(s).

F. Removal from the Waiting List

An applicant may withdraw an application at any time. A withdrawn application cannot be reactivated and the applicant who has withdrawn an application shall be required to reapply when the waiting list is open. Any applicant removed from the waiting list by HACD will be notified in writing of the reason(s) for which the application is being removed. Such notification shall inform the applicant of his/her right to an Informal Review (see Appendix A) of the determination, the time frame for requesting the Informal Review, and will be made part of the

application record. HACD will provide the applicant, upon written request and within a reasonable time frame an opportunity for an Informal Review of the determination of removal from the waiting list.

G. Record Keeping

HACD will keep a copy of each pre-application and formal application received. For each applicant, HACD will document its determination that the applicant is eligible and meets tenant selection standards, or is ineligible and does not meet tenant selection standards, or is removed from the waiting list for any other reason.

HACD will also maintain a record of the dwelling unit(s) offered to an eligible applicant, including the location, date, and circumstances of the offer and its acceptance or rejection. A copy of each application will become a part of a tenant's file during participation in the program. Inactive files will be maintained for a minimum of three years from the date of final action. Waiting list information will include race or ethnic designation of head of household.

H. Final Eligibility Determination

Based on staff estimates of the availability units, ten (10) applicants in waiting list order will be called off of the waiting list (s) and invited to attend an interview and submit a formal application for final eligibility for housing, after which the formal verification process and tenant selection process will commence as described in Chapter II of this policy.

IV. SELECTION FROM THE WAITING LIST

A. Overview

Eligible applicants will be selected from the waiting list(s) according to unit size and type required, local preference factor, and date and time of application. HACD reserves the right to accommodate the emergency housing needs for families displaced by natural disaster and families that meet one of the following criteria, as documented by the City of Danbury Health Department:

1. Families with a child who has been tested and documented as having an elevated blood level; OR
2. The current resident has been subject to a condemnation order or has verified serious housing code violations.

The decision to provide emergency housing shall be made by the Executive Director. Families admitted to HACD under this emergency housing provision shall be considered a special admission and shall be subject to all eligibility and Tenant Selection Criteria outlined in Chapter II.

Income Targeting

In each fiscal year, per HUD regulations, HACD shall reserve forty percent (40%) of its new admissions for families who are extremely low income. An extremely low-income family is one whose annual income does not exceed thirty percent of area median income. The goal shall be forty percent of new admissions.

The intent of these Income Targeting requirements is to maintain a tenant body in each of HACD's federal developments composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families within Northern Fairfield County.

HACD will monitor admissions to its federal public housing units at the end of each quarter throughout the fiscal year. If, at the end of any quarter, extremely low-income families make up less than forty percent of admissions for the fiscal year to date, HACD will give priority to extremely low-income families until extremely low-income admissions again make up 40%. Giving priority to extremely low-income families may require skipping families on the waiting list to accomplish the HUD requirement.

If admissions of extremely low-income families to HACD's federal voucher program during a fiscal year exceeds the 75% minimum targeting requirement for the voucher program, such excess will be credited (subject to the limitations in this paragraph) against HACD's basic targeting requirement for the same year.

The fiscal year credit for voucher program admissions that exceed the minimum voucher program targeting requirement will not exceed the lower of:

1. Ten (10) percent of public housing waiting list admissions during HACD's fiscal year;
2. Ten (10) percent of waiting list admissions to HACD's Section 8 tenant-based assistance program during the PHA fiscal year; or
3. The number of qualifying low income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30% or more. For this purpose, qualifying low income family means a low-income family other than an extremely low-income family.

If there are not enough extremely low-income families on the waiting list, we will conduct outreach on a nondiscriminatory basis to attract extremely low-income families to reach the statutory requirement.

B. Local Preferences

HACD shall use the following local preferences in selecting applicants for admission to its public housing programs. These preferences shall be weighted using a point system. Each applicant shall receive the full points allowed. Where program requirements mandate selection criteria such as age, income, etc. applicants shall first meet that standard. Where an applicant does not meet the program requirements, the applicant may be rejected without further analysis.

1. *Residency Preference* shall be given to HACD applicants who are residents of the Greater Danbury Area, who work within the Greater Danbury area, whose last permanent address was within the Greater Danbury area and applicant has not claimed local residency preference in another community where the applicant is temporarily residing OR who have been offered employment in the Greater Danbury area. Residency Preference shall not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, sex, sexual orientation, religion, age, handicap, disability, national origin, ethnicity, marital status, gender or familial status of any member of an Applicant household.

These applicants shall receive 10 points*

**These points shall also be given to applicants who are least likely to apply.*

Verification Requirements:

- a. Proof of residency at an address within the Greater Danbury Area limits (No length of stay verification will be imposed on Applicants claiming this Preference.); or
- b. Proof that the Applicant is currently employed or has obtained employment in the area; or
- c. Proof that the Applicant's last permanent address was within the Greater Danbury Area; or
- d. Proof that an Applicant has not claimed local preference in another community.

2. *Homelessness Preference* shall be given to HACD Applicants and/or households in the following manner:
 - a. SUBSTANDARD HOUSING 25 point maximum
 - Condemned or verified serious housing code violations 25 points
 - Inadequate heating, plumbing, or cooking facilities 20 points
 - b. LIVING SITUATION 25 point maximum
 - Living in documented physically or emotionally abusive situation 25 points
 - Living in a shelter or transitional housing 25 points
 - Living in temporary housing With others because of conditions beyond applicant’s control (condemnation, foreclosure, fire, loss of job, etc) 20 points
 - Living in overcrowded conditions in own housing unit (e.g. 1.5 persons per room) 15 points

Persons living with existing HACD residents or living with residents either as authorized or unauthorized members of the household or living with residents in private housing DO NOT qualify as homeless.

Verification Requirements:

1. Submission of a “Certificate of Homelessness” fully completed by an appropriate source or the Applicant's signed statement that he/she lacks a fixed, regular and adequate nighttime residence; or his/her primary nighttime residence is:
 - a. Supervised public or private shelter designed to provide temporary housing accommodations (i.e., welfare hotels, congregate shelters and transitional housing);
 - b. A public or private place not designed or used as regular sleeping place for human beings.
2. A third-party written verification from a public or private facility that provides shelter for homeless individuals, the local police department, or a social services agency, certifying the Applicant's homeless status in accordance with the definition in this policy.
3. *Crosby Manor only*: preference shall be given to those applicants who are 62 years of age or a person or persons with disabilities.

If there is a tie score under the point system and there is a limited number of units available for applicants with the same point score, the first come, first serve or

chronological order, shall be used in conjunction with the point system to select which applicant will get the unit.

If the number of applicants does not exceed the number of available units by bedroom size by at least three times, applicants may be selected on a first come first serve (or chronological order) basis.

Occasionally families on the waiting list who did not qualify for a local preference at the time they applied for rental assistance will experience a change in circumstances that now qualifies them for a local preference. In such instances it is the family's responsibility to contact the PHA. Families certifying that they qualify for a local preference will be repositioned on the waiting list in accordance with their new preferences and their original date and time of application.

4. **Violence Against Women Act (VAWA).** VAWA protects applicants seeking housing assistance and tenants who have been victimized by domestic violence, dating violence, and stalking. In accordance with the Violence Against Women and Justice Department Reauthorization Act, the Authority has adopted a preference that recognizes and protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. The Authority has also adopted an admission preference for individuals that are residing in a situation of domestic violence and that are displaced as a result of their situation. It affords the following protections:
 - a. Applicants will not be denied rental assistance solely because they were previously evicted from an assisted site for being victims of domestic violence;
 - b. Applicants will not be denied assistance solely for criminal activity that was directly related to domestic violence;
 - c. Residents will not be evicted solely because they were victims of domestic violence, in that being a victim of domestic violence does not qualify as serious or repeated violation of the lease or other good cause for eviction

If an applicant commits a criminal act unrelated to the domestic violence, or if the Housing Authority has reason to believe the victim is an actual or immediate threat to other residents or whose actions or habits may adversely affect the health safety and welfare of other residents, shall be cause for denial. The following also applies:

- a. The domestic violence must be recent and individual must provide evidence of an established pattern either by utilizing HUD Form 50066, Certification of Domestic Violence, Dating Violence, or Stalking or local police record or court record, documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance.
- b. Must provide evidence of an established relationship along with a lease agreement confirming co-habitation.

- c. The family must agree to sign a restraining order against the offender.
- d. The family must certify that the person who resides with them that engages in such domestic violence will not reside with the family upon placement. If the family is admitted the Authority may deny or terminate assistance to the family for breach of this certification.
- e. The family will be required to sign a document stating they will not release the location of their new residence to the party responsible for the abuse and threats. If the family is determined eligible for the aforementioned "Domestic Violence Preference" and is housed, the family will not be eligible for a transfer into another Authority unit if it is determined that the family was responsible for the release of their whereabouts to the offender, as it will result in a financial burden to the Authority. A current family in residence with the Authority will only be entitled to one transfer.

HACD has entered into a Memorandum of Agreement with the Women's Center to allocate five Housing Choice Vouchers to families who are victims of domestic violence. Applicants shall be subject to all eligibility and Tenant Selection Criteria outlined in Chapter II.

C. Unit Offers

1. An offer of housing will be made after an applicant has been called off of the waiting list(s) completes a formal application for housing and is determined eligible and passes the Tenant Selection Criteria established in this Policy. If the applicant rejects an offer for a particular unit and this is the first unit offer rejected by the applicant, the applicant's name will remain on the waiting list(s). If it is the second rejection of a unit offer, the applicant's name will be removed from the waiting list(s).
2. For purposes of this policy, the applicant will not be considered to have been offered a unit if he/she provides clear evidence to the satisfaction of HACD that one of the following circumstances apply:
 - a. The unit is not of the proper size and type, and the applicant would be able to reside there only temporarily.
 - b. The applicant is unable to move at the time of the offer because of serious and unusual circumstances, which are beyond the applicant's control, and the applicant presents clear evidence, which substantiates this to HACD's satisfaction. Examples:
 - (1) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
 - (2) A court verifies that the applicant is serving on a jury, which has been sequestered.

- c. Accepting the offer would result in undue hardship to the applicant not related to considerations of race, creed, color, national origin or language, such as making employment or day care facilities inaccessible, and the applicant presents clear evidence which substantiates this undue hardship to HACD's satisfaction.
3. An applicant must respond to, and accept or reject the offer within two (2) business days from the date the offer is made. If an applicant fails to keep a scheduled appointment to view a unit offered for occupancy or fails to respond to written correspondence from HACD within two (2) days, for other than a justifiable reason, such failure shall result in placement on the bottom of the waiting list.
4. When an applicant accepts an offer of housing, executes a lease agreement and provides all required forms and documents to HACD, and moves into the dwelling unit offered, the applicant's name will be removed from the waiting list.

V. UNIT SIZE AND OCCUPANCY STANDARDS

A. Appropriate Unit Size

It is the policy of HACD to ensure that the dwelling units are occupied by families of the appropriate size. The following chart outlines the allowable number of occupants per bedroom based on HUD guidelines:

<u>No. of Bedrooms</u>	<u>No. of Persons Min.</u>	<u>No. of Persons Max.</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	6	8
5	8	10

B. Factors in Dwelling Size Determination

Dwelling units will be assigned so that, with the exception of infants and very young children, parents have a separate bedroom. Units will be assigned so that the living room is not used for sleeping purposes. Assignment will take into consideration households who share joint custody of any individual under the age of 18 at least 50% of the time. Foster children shall be considered in determining dwelling unit size.

Established occupancy standards may be waived when a vacancy problem exists and it is necessary to achieve or maintain full occupancy by temporarily assigning a family to a larger size unit than is required. Such family shall be transferred to the proper size unit as soon as one becomes available.

The age, sex, and relationship of the family members will be taken into consideration in assigning families within the above ranges and the maximum number may be exceeded to permit a child less than five (5) years of age share a bedroom with the parents.

In the event of a family break up, the parent who retains custody of the children will be entitled to remain in the unit.

C. Bedroom Size Determination for Single Pregnant Individuals

When making bedroom size determinations, a single individual with no other children who is pregnant at the time of application (proof may be required by a licensed physician) or who is in the process of securing legal custody of any individual under the age of 18, will be housed in a two bedroom unit. If the pregnancy is terminated or legal custody is not granted, the applicant would no longer qualify for a two-bedroom unit but would be considered for a one-bedroom unit. If the applicant is housed in a two-bedroom unit and the pregnancy is terminated or legal custody is not granted, the tenant is considered over-housed and the transfer policy regarding over-housed conditions applies.

D. Reasonable Exceptions in Emergency Situations

The criteria and standards prescribed above apply to all families applying for housing at HACD; however, reasonable exceptions to the standards listed above may be made in emergency situations, and in some cases, relationship, age, gender, health, or disability of family members may warrant assignment of a larger or smaller unit by HACD staff or at the request of the applicant family. Written approval of such cases will be made by the Executive Director or his/her designee.

E. Requirements for Live-In Aide

Any applicant or tenant who requires a live-in aide, who will be responsible for the essential care and well-being of a family member on a daily basis may be assigned a bedroom to accommodate this aide, provided that the applicant or tenant can show documentation to support the fact that the live-in aide would not be living in the unit except to provide necessary supportive services. A live-in aide will not be listed on the lease as a family member and does not have rights to the unit for continued occupancy as a remaining family member. The tenant is responsible for the live-in aide's actions under the "guest" references in this policy and the Lease Agreement. Lease violations, which are enacted by the live-in aide, are considered "guest" actions and are grounds for lease termination and tenant eviction.

F. Accessible Units

When an accessible unit becomes available, HACD shall offer the unit in the following order:

1. To current HACD tenants who have a disability or handicap who would benefit from the unit's accessible feature(s), but whose current unit does not have such features. If there is more than one current tenant requiring the accessibility features of the available unit, the family with the earliest written request for a transfer shall be selected for the unit.
2. To eligible and qualified households on the waiting list who have a disability or handicap and would benefit from the unit's accessibility features based upon the date and time of the application. This is despite the presence on the waiting list of households with earlier application dates who do not require the specific accessibility features of the available unit.
3. To other eligible and qualified households on the waiting list without disabilities. In this case, the household must agree, in writing, to transfer to a non-accessible unit at the request of HACD.

VI. LEASE

A. Lease Execution

At admission, a Lease, House Rules, a Lease Addendum for Drug-Free Housing, and a Pet Agreement, if applicable, is to be entered into between HACD and each tenant family. The Lease shall be for a twelve (12) month period and is automatically renewable for an additional twelve-month period, except for failure to comply with the eight (8) hour community service requirement discussed in Section B below. The dwelling Lease is to be kept current at all times and is to reflect rent being charged and the conditions governing occupancy.

1. If, for any reason, any signer of the Lease ceases to be a member of the tenant family, the lease will be cancelled, and a new Lease, House Rules, Lease Addendum, and Pet Agreement, if applicable, must be executed and signed by a remaining member of the family who qualifies and is determined to be eligible for continued occupancy by HACD.
2. If, for any reason, an adult member is added to the tenant family who was not previously on the lease, the lease will be cancelled, and a new Lease, House Rules, Lease Addendum, and Pet Agreement, if applicable, must be executed and signed.
3. If, for any reason, through birth, foster care, adoption, etc., a minor is added to the household, a Lease change form must be executed.
4. If a tenant family transfers to a different unit operated by HACD, the existing Lease will be cancelled and a new Lease, House Rules, Lease Addendum and Pet Agreement, if applicable, must be executed for the dwelling unit into which the family is to move.
5. If at any time during the life of the Lease, a change in the tenant's status or HACD's needs result in the need for changing or amending any provision of the Lease or House Rules, or if HACD desires to waive any provisions with respect to the tenant, HACD at its sole discretion will have either:
 - a. Cancel the existing Lease and execute a new Lease agreement; or
 - b. Prepare an appropriate amendment and made it part of the existing Lease. The new Lease amendment is to be made a part of the permanent tenant file. A Lease amendment is to be attached to the existing Lease, and must be signed by both the tenant and HACD representative.

B. Community Service Requirement

1. The Quality Housing and Work Responsibility Act of 1998 mandates the Housing Authority of the City of Danbury to require that all adults living within federal public housing contribute 8 hours of community service (not including political activities) per month; or perform/participate in 8 hours of economic self-sufficiency activities/programs; or 8 hours of combined community service and economic self-sufficiency activities/programs. Exempt from the community service requirement is any adult who:
 - a. Is 62 years of age or older;
 - b. Is an individual with a disability, as defined under Section 216[I][ii] or 1614 of the Social Security Act; and who is unable to comply with this Section, or is a primary caretaker of an individual and can certify that he or she cannot comply with the community service requirement;
 - c. Is an individual engaged in a work activity as defined in Section 407[d] of the Social Security Act;
 - d. Is an individual that is exempted from having to engage in a work activity under the State program funded under Part A of Title IV of the Social Security Act, or under any other welfare program of the State of Connecticut, including a state-administered welfare-to-work program;
 - e. Members of a family receiving benefits from a State Welfare Program and are in compliance with the program requirements.
2. The Authority will identify all adult family members who are apparently not exempt from the community service requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. HACD shall verify such claims.

The notification will advise family members that their community service obligation will begin upon the effective date of their first annual reexamination on or after October 1, 2003. For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

3. The following activities shall be considered as satisfying the community service requirement:
 - a. Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

- b. An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).
 - c. Together with the resident advisory councils, HACD may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.
4. It is the personal responsibility of all adult household members who are required to comply with the community service requirement to locate an agency or organization and to comply with the community service requirement. It shall be the responsibility of HACD to annually verify resident compliance with this community service requirement.

HACD shall ensure that all community service programs are accessible for persons with disability. HACD shall also ensure that the conditions under which the work is to be performed are not hazardous; the work is not labor that would be performed by HACD's employees responsible for essential maintenance and property services; or the work is not otherwise unacceptable.

HACD shall review resident compliance with the community service requirement 30 days before the expiration of each lease term. All activities undertaken by the resident to comply with the requirement shall require a certification letter from the organization/agency where the service/activity was performed.

If HACD determines that a household is not in compliance with the community service requirement, HACD may not renew or extend the household's lease upon expiration of the lease term and shall initiate action to terminate the tenancy of the household, unless HACD enters into an agreement with the household, prior to the expiration of the lease term. The agreement shall provide an opportunity for a household to cure non-compliance with the community service requirement, by allowing the non-compliant resident to participate in economic self-sufficiency programs or by contributing hours of community service requirement over the 12-month term of the lease.

HACD shall not renew or extend a lease or provide any new lease for a dwelling unit to any household that includes an adult member subject to the community service requirement and who failed to comply with it.

C. Tenant Orientation

1. Eligible applicants selected for admission will be required to participate in a mandatory orientation program conducted by HACD to acquaint new tenant families with the following policies and procedures: the dwelling lease; maintenance procedures, housekeeping standards, services provided by HACD, resident initiative activities, grievance policy, tenant rights, responsibilities and obligations, the rent collection policy, and the operation of heating, cooling, and plumbing equipment in the units.
2. The terms and conditions of the Drug Free Housing Addendum will be discussed at length with all adult family members. All adult family members will be required to sign this addendum.
3. Failure to attend a scheduled orientation session without notice to HACD will result in the family's application being placed at the bottom of the list.
4. The orientation may be re-scheduled twice by the applicant for good reason, provided the applicant provides written documentation of why the orientation was missed. HACD solely will determine if the absence was for good reason, i.e. medical reasons, employment situations, etc. After two missed orientations, the family's application will be removed from the waiting list.

D. Dwelling Unit Inspection Policy

1. *Pre-occupancy.* Prior to occupancy a HACD representative and the new tenant will inspect the premises. HACD will furnish the tenant a written statement of the condition of the premises and the appliances provided in the dwelling unit where appropriate. The statement will be signed by HACD representative and the tenant, and a copy will be kept in the tenant's file.
2. *Notification of Inspections.* HACD will provide the tenant at least forty-eight (48) hours written notice of inspection. If no one is home and the tenant has not contacted HACD to reschedule the inspection, HACD will deem that the tenant has given HACD permission to enter the unit and conduct the inspection in their absence. If children under the age of 16 are at home with no adult supervision, the inspection will not be performed and the tenant may be terminated and evicted for failure to provide access to the unit for the inspection.
3. *Annual Unit Inspections.* An inspection of each dwelling unit will be conducted on at least an annual basis to check the physical condition of each occupied unit. In addition, HACD will conduct an annual housekeeping inspection. HACD will furnish the resident with a written statement of unit conditions and/or charges, if any, for repairs or removal of non-approved alterations to the unit.
4. *Special Inspections.* Representatives from HUD and/or other US Government Officials may visit HACD to monitor operations and, as part of the monitoring, may inspect a sampling of HACD's public housing inventory.

5. *Move-Out.* Immediately after a tenant moves out, a HACD representative will inspect the dwelling unit. The tenant is encouraged to participate in this move-out inspection and must contact the management office prior to move-out to schedule the joint inspection. A written statement of the unit conditions, and any HACD provided appliances will be signed by both parties.

A statement of repair/replacement charges for tenant caused damages and charges for cleaning of the unit and appliances, if necessary will be furnished to the tenant and deducted from his/her security deposit if remittance is not made to HACD.

6. *Random/Emergency Inspections.* HACD, in its sole discretion, and without cause may randomly and periodically inspect units. In the event of an emergency, written notice may not be given and HACD may enter the unit regardless of which family members are present.
7. A copy of the move-in and/or move-out, and housekeeping inspection reports will be kept in the tenant files.
8. Annual Unit Inspections and Preventive Maintenance (PM) inspection forms will be kept in the unit maintenance file.

E. Rent, Other Charges, and Rent Adjustments

1. *Rental Payments.* Families have a choice of rental payments in HACD's federal public housing (Laurel Gardens, Eden Drive, Wooster Manor, Putnam Towers and Scattered Sites). HUD regulations provide that public housing families can elect annually whether the monthly rent is a flat rent or income-based rent. Flat rents are set by HACD based on the rental value of the unit. Income-based rents are calculated based on the level of the resident's income and shall be the higher of 10% of income, 30% of adjusted income, or the minimum rent. Families experiencing hardships may switch from paying flat rents to income-based rents. Incomes of families paying flat rents must be reviewed not less than once every three years; incomes of families paying income-based rents must have income and family composition reviewed annually.

Rents in HACD's state developments (Glen Apartments, Crosby Manor, Mill Ridge, and Fairfield Ridge) are established as a base rent or 30% of income, whichever is greater (See Appendix B).

Rents in HACD's Single Room Occupancy, transitional living program, are established as income-based or \$400.00, whichever is lower.

2. *Minimum Rent.* HACD has established \$50 as its minimum Total Tenant Payment (TTP) for its federal public housing units, and \$25 as its minimum Total Tenant Payment (TTP) for its Moderate Rehabilitation, Substantial Rehabilitation, and Ives Manor housing programs. A hardship exemption shall be granted to Tenants who can document that they are unable to pay the required rent amount because of a long-term hardship (over 90 days). Examples under which Tenants would qualify for the hardship exemption to the minimum rent would include but not be limited to the following:

- a. The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
 - b. The family would be evicted as result of the imposition of the minimum rent requirements;
 - c. The income of the family has decreased because of changed circumstances, including loss of employment;
 - d. A death in the family has occurred; or
 - e. Other circumstances as determined by HACD including an increase in expenses because of changed circumstances for medical costs, childcare, transportation, or other familial expenses.
3. *Flat Rents.* HACD, in compliance with HUD regulations, has implemented flat rents for each unit size for its federal public housing units, based on the rent reasonableness study prepared for the Section 8 program. Families may elect to pay a monthly flat or income-based rent (See Appendix B).
 4. *Utility Allowance.* Families residing in units with check-metered utilities, or in units where they pay all utilities, will receive an allowance for tenant paid utilities. If the utility allowance exceeds the Total Tenant Payment, the resident will receive a payment from HACD equal to the amount by which the allowance exceeds the Total Tenant Payment.
 5. *Maintenance Charges.* Schedules of charges for maintenance repairs and other services shall be publicly posted in a conspicuous place in the management offices and shall be furnished to applicants and tenants upon request. HACD will notify tenants in writing when such charges are assessed. These charges shall become due and payable thirty (30) days after such notice has been given to the tenant. A copy of all work orders for tenant abuse are filed in the tenant file.
 6. *Late Charges.* Rent is due and payable on the first day of the month. A late charge shall be assessed in accordance with, and as defined in, HACD's Rent Collection Policy.
 7. *Bad Checks.* This charge is due immediately. HACD will charge \$25.00 for a returned personal check returned for the second time as NSF or unplayable. HACD will no longer accept personal checks from residents who have written bad checks.
 8. *Security Deposit.* A security deposit will be charged at the time of admission for all HACD properties. A schedule of security deposits required is included in Appendix C.

VII. REEXAMINATION OF INCOME AND FAMILY COMPOSITION, ADJUSTMENTS AND OTHER ANNUAL REQUIREMENTS

The Housing Authority of the City of Danbury will conduct annual reexaminations of all residents.

A. Annual Reexamination Procedures

1. The income, allowances and family composition of HACD's federal public housing tenant households electing an income-based rent shall be reexamined at least once a year in accordance with an established reexamination schedule. Residents electing to pay a flat rent shall have family composition reexamined annually and income reexamined every three years. Reexaminations determine the tenant's monthly rent, eligibility for continued occupancy and the required unit size. HACD follows all pertinent HUD regulations in its completion of reexaminations. On an annual basis, each family residing in one of its federal public housing units will be provided the opportunity to choose between an income-based or flat rent.

2. Each year prior to a public housing resident's anniversary date, HACD will send a formal letter offering a choice between a flat rent and an income-based rent and scheduling the date/time of the reexamination interview. At the appointment, HACD will assist the family in identifying the rent method that would be most advantageous for the family. If the family chooses to select the flat rent without meeting with HACD, they may make this selection on the notice described below and return the form to HACD. In such cases, HACD will cancel the reexamination appointment.

The annual notice sent to all current residents regarding the reexamination process will state the following:

- a. Each year at the time of the annual reexamination, the family has the option to pay a flat rent amount or have their rent based on income.
- b. The amount of the applicable flat rent.
- c. The amount of the current income-based rent based on the most current information available.
- d. A fact sheet about income-based rent that lists and explains the types of income included, the most common types of income excluded, and the categories of allowances that are deducted from income.
- e. Regardless of whether a resident currently pays an income-based or flat rent, a criminal background check will be requested for all adult family members and all will be required to execute a Drug Free Housing Addendum each year.
- f. Families who choose to continue to pay a flat rent are required to go through the income reexamination process every three years, rather than annually for residents paying an income-based rent.

- g. Families who choose a flat rent may request to have a special reexamination and return to an income-based rent at any time for the following reasons:
 - (1) The family's income has decreased.
 - (2) The family's circumstances have changed and expenses have increased for childcare, medical care, etc.
 - (3) Other circumstances which have created a hardship for the family such that an income-based rent would be more financially feasible at this time.
 - h. The date and time of the annual reexamination appointment.
 - i. The name and phone of a HACD staff to call to get additional information and guidance on flat and income-based rents.
 - j. A certification for the family to sign accepting the flat rent.
3. At the time of the reexamination, families must provide HACD with all necessary information to verify income (annually or every 3 years), and family composition (annually) and sign all required certification forms and the Authorization for Release of Information form (see Appendix G for definition of Income).
4. In the event that a tenant household fails to keep a scheduled reexamination appointment or promptly submit all necessary information, he/she shall be given ten business (10) days from the date of written notification to provide HACD with the required information.

In the event the tenant fails to participate in the interview and/or to provide information required by HACD, the Authority may establish the tenant's rent based upon HACD flat rents until the matter is resolved and/or terminate the tenant from the program.

5. Employment and income data, assets, full-time student status, medical expenses (elderly, disabled and state moderate families only), childcare expense, and handicapped assistance expenses will be verified, documented and placed in the tenant's folder.

Third party written verifications will be obtained whenever possible. When HACD and tenant household have made all reasonable effort to obtain third party written verifications, documents obtained from the tenant and photocopied are an acceptable form of verification, when not prohibited by law. If photocopying is prohibited by law, HACD staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. Oral third party verifications are also acceptable, if properly documented. When such documents cannot be photocopied or orally verified, HACD will proceed with processing using the best possible documentation and information available. All verifications will be maintained in the tenant's folder.

Verified information will be analyzed and a determination of rent and of the appropriate unit size made.

6. *Determination of Compliance with Community Service Requirements.* HACD will determine on an annual basis whether adult residents subject to the eight (8) hours a month service requirement are in compliance. HACD will also determine if adult residents originally exempt from the requirements have become non-exempt. Adult residents who, because of the annual review, are determined to be non-exempt will be required to comply with the community service and self-sufficiency requirement. For residents paying a flat rent, the review will be performed and appropriate action taken by HACD 12 months after the initial status determination and every 12 months thereafter.

If a resident is determined to be non-compliant with the monthly community service requirement, HACD will notify the family of the following:

- a. The family member(s) determined to be non-compliant.
 - b. That the determination is subject to the grievance procedure.
 - c. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated.
7. *Receipt of a Letter or Notice From HUD Concerning Income.* If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to his or her within ten (10) days of receipt by the resident.

The property manager must reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication within five (5) days of receipt of the notice from the resident. This shall be done as promptly as possible.

After the reconciliation is complete, HACD shall adjust the resident's rent. In addition, if the resident had not previously reported the proper income, HACD shall take one of the following actions:

- a. Immediately collect the back rent due to the agency;
 - b. Establish a repayment plan for the resident to pay the sum due to the agency;
 - c. Terminate the lease and evict for failure to report income; or
 - d. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.
8. *Temporary Rent Determinations and Special Reexaminations.* When it is not possible to determine the anticipated annual income with any reasonable degree of accuracy at the time of admission or reexamination, a temporary determination of income and rent will be established, giving due consideration to the tenant's past income and other available information.

An interim reexamination will be scheduled to take place every 30 days until a reasonable estimate of the Adjusted Income can be made. Rents determined at special reexaminations shall be made effective the first of the second month following the final rent determinations. Until the final rent determination can be made, the family will pay rent based upon the existing Adjusted Income.

If the Total Family Income can be reasonably estimated at the time scheduled, the reexamination is to be completed and actions taken as appropriate to adjust the Tenant Rent amount.

If a tenant claims an annual income of zero (0), the tenant will sign a form certifying zero income status monthly. Fraudulent certification will result in eviction.

9. *Changes in Rent*

a. Limit on rent increases.

(1) Federal housing regulations preclude HACD from increasing a qualified family's rent as a result of an increase in income due to employment during the cumulative twelve (12) month period beginning on the date a member of the family is employed or experiences an increase in annual income due to employment. A qualified family is a family currently living in public housing whose:

(i) annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment; or

(ii) annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

(iii) annual income increases as a result of new employment or increased earnings of a family member, during or within six (6) months after receiving assistance, benefits or services under any state program for Temporary Assistance for Needy Families (TANF) funded under Part A of Title IV of the Social Security Act, as determined by HACD in consultation with the local TANF and Welfare to Work agencies.

(2) During the second cumulative twelve (12) month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income due to employment, HACD will exclude from annual income 50% of any increase in annual income attributable to employment over the income of that family member prior to the beginning of employment.

- (3) HACD will limit the disallowance of increased income of an individual family member outlined in (i) and (ii) above to a lifetime 48-month period. The disallowance of increased income is limited to a maximum of 12 months under (i) and a maximum of 12 months under (ii) above, during the 48-month period beginning from the initial exclusion.
- (4) This disallowance of increases in income as a result of employment does not apply for purposes of admission to the public housing program (including the determination of income eligibility and income targeting).

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

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

- (1) HACD may deny a request for a rent calculation only after obtaining written verification from the welfare agency that the family's benefits have been reduced for one of the reasons stated above.
- (2) Residents subject to the imputed welfare income requirement and who disagree with the determination may request a grievance hearing in accordance with HACD's Grievance Procedure. The tenant is not required to pay an escrow account deposit for the portion of the tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing.
- (3) This restriction does not apply if the reduction in benefits is a result of:
 - The expiration of a lifetime time limit on receiving benefits; or
 - A situation where the family has complied with welfare program requirements but cannot obtain employment (e.g., the family has complied, but loses welfare because of a duration time limit such as a cap on welfare benefits for a period of

no more than two years in a five year period).

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

- c. Rent Increase. Increases in rent shall be effective on the scheduled reexamination effective date, with 30 days advance notice, provided the tenant has complied with all reporting requirements.

When the tenant has failed to attend interviews or to provide required information, HACD may increase the rent retroactive to the reexamination effective date, and the balance of such retroactive rent adjustment must be paid within ten (10) business days of notification. Retroactive charges shall not be made when delays are solely the fault of HACD.

- d. Rent Decrease. Decreases in rent shall take effect on the first of the month after the month in which the change was reported and verified.

B. Eligibility for Continuing Occupancy

HACD shall verify all information provided by the tenant family at the time of the annual reexamination and will annually request criminal background checks on all members of the household sixteen (16) years of age and older. After reviewing all information received, only those tenants meeting all of the requirements listed below will be considered eligible for continued occupancy:

1. Qualify as a family or the remaining member of a tenant family; and
2. Have exhibited appropriate conduct since residing in one of HACD's housing programs including:
 - a. Have not interfered with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare;
 - b. Have not adversely affected the physical environment of the community;
 - c. Have not adversely affected the financial stability of the development;
 - d. Have not illegally used a controlled substance or engaged in drug-related criminal activities on or off the premises;
 - e. Have not interfered with the health, safety, or right to peaceful enjoyment of the premises by other tenants because of the abuse of alcohol;
 - f. Have not violated any terms and conditions of the Drug Free Housing Addendum.

3. Have abided by the terms and conditions of the lease agreement, and all policies adopted by HUD that are incorporated in the lease agreement by reference all other addenda to the lease agreement.
4. Have signed any required new or existing lease addendum; and
5. Have complied with the eight (8) hour per month community service requirement, if applicable. HACD will determine on an annual basis whether non-exempt residents are in compliance.

C. Interim Reexaminations

1. Interim reexaminations will be conducted for any of the changes listed in this section which must be reported to HACD within ten (10) business days of their occurrence. Failure to report changes as required may result in a retroactive rent charge and/or eviction action against the tenant. Tenants must report any change in household composition (See D below).
2. Tenants may report the following changes which would result in a decrease in the family's rent:
 - a. Decrease in income expected to last at least 30 days; and
 - b. Increase in allowances or deductions.
3. Tenant(s) must report if they begin receiving public assistance or public assistance is terminated.
4. Tenant(s) may report any increase in employment income during the 12 month period between annual reexaminations within ten (10) business days. HACD will not conduct an interim reexamination.
5. An interim reexamination may also occur should it be found that the tenant has misrepresented the facts upon which the family's rent is based, so that the rent being paid is less than what should have been charged. In these instances, tenant misrepresentations are considered fraud, and appropriate actions will be taken, including but not limited to: lease termination and eviction, retro-active rent charges, referral to a collection agency, and prosecution.
6. For interim reexaminations, increases in rent shall become effective on the first day of the second month following the month the change was reported and verified, provided the change was reported within ten days of its occurrence and the family complies with the verification requirements and completes a reexam. Decreases in rent shall take place on the first day of the month following the month in which the change is reported and verified. The effective dates of changes that are not reported in a timely manner are covered in #5 below.
7. Errors/Omissions, Misrepresentations/Failure or Delay in Reporting Changes (in the interest of brevity, the word "error" is used in this section to represent errors, omissions, misrepresentations, and failure to report changes). If an error in rent is revealed at any time, an appropriate

adjustment will be made to correct the error as follows:

- a. Errors which are the fault of the tenant:
 - (1) Increased rent shall be retroactive to the first day of the month following the date the change occurred.
 - (2) Decreased rent shall be effective on the first day of the month following the month the change was reported.
- b. Errors not the fault of the tenant:
 - (1) Increased rent shall be made effective the first day of the second month following the date the error was discovered.
 - (2) Decreased rent shall be made retroactive to the date of the rent adjustment in which the error occurred.

D. Use Of Enterprise Income Verification System

Using EIV Reports

HACD staff shall use the EIV system in its entirety to further assist in reducing subsidy payment errors. In doing so, the following reports shall be reviewed not less than once per month:

1. EIV Income Report: as a third party source to verify a tenant's employment and income during mandatory recertifications (annual and interim) of family composition and income.
2. Income Discrepancy Report: to identify households where there is a difference of \$2,400 or more annually in the wages, unemployment compensation and/or Social Security benefit income reported.
3. New Hires Report: to identify tenants who have started new jobs within the last six months.
4. No Income Report: to identify tenants who passed the identity match against SSA's records but no employment or income information was received from the match.
5. Existing Tenant Search: to identify applicants applying for assisted housing that may be receiving rental assistance at the time of application processing at another location.
6. Multiple Subsidy Report: to identify individuals who may be receiving multiple rental subsidies.
7. Identity Verification Reports: to clear up any invalid, discrepant or missing information in the PIC/TRACS database that was not identified and corrected at the time of recertification.
8. Deceased Tenants Report: to identify tenants who are participating in one of Public Housing or Multifamily Housing's rental assistance programs who are reported by SSA as being deceased.

New Admissions

For all new admissions, HACD shall:

1. Review the Income Report within 90 days after transmission of the move-in certification to TRACS or the new admission certification to PIC to confirm/validate the income reported by the household.
2. Resolve any income discrepancies with the household within 30 days of the Income Report date.
3. Print and retain the Income Report in the tenant file along with any documentation received to resolve income discrepancies, if applicable.

All reports shall be maintained in the tenant file where applicable, or in a secured file cabinet for authorized use only.

E. Changes in Household Composition

1. The tenant is required to report in writing any change in household composition within ten (10) days of the change.
2. A newborn child, an adopted child under 18 years old, or a child under 18 years old for whom custody has been awarded by a court to the Head of the Household or the spouse, may be added to a tenant's lease. Documentation must be provided to HACD within 30 days of the event, i.e. birth certificate, custody court papers, etc. No other new household member may be added to the tenant's lease unless and until that person has provided the required information to HACD and been determined eligible for admission according to the guidelines specified in Chapter II of this policy and a unit of the appropriate size is available. HACD has the right to deny admission to any person found to be ineligible.
3. A tenant must provide documentation as required by HACD when reporting that a family member has vacated the household. In the case of an income producing household member or any member that HACD has reasonable cause to believe has been involved in criminal activity or drug-related criminal activity, HACD will require at least two documents verifying the new address of the departing family member or other evidence deemed acceptable by HACD. Utility bills, a driver's license, an automobile registration, employment verification, a lease or a rent receipt bearing the family member's name, new address and a date are examples of acceptable evidence. Court papers indicating that a family member has left the household such as a Petition for Dissolution of Marriage, a Petition for an Order of Protection from Abuse, or a Petition for Legal Separation may also be acceptable.
4. A tenant eligible for a transfer to a larger or smaller unit as the result of approved changes in household composition may request a transfer and be placed on the master transfer list effective the date the transfer request is approved (see Chapter VIII). A tenant reporting a decrease in household size which changes the unit size for which the family is eligible will not be required to be placed on the transfer list until the effective date of the family's next annual reexamination.

F. Visitors

Tenants will be allowed to have visitors for a period of up fourteen (14) cumulative days in any one calendar year (twelve-month period), except in the case of a family member requiring care during illness or recuperation from illness or injury as certified in writing by a physician. Written permission must be obtained from HACD for any deviation from the occupancy standards listed in this policy.

VIII. UNIT TRANSFERS

A. Introduction

1. Transfers of tenants from one unit to another will be approved solely in accordance with this policy.
2. Transfers shall be made without regard to race, creed, color, gender, familial status, disability or national origin.
3. In-house transfers shall take precedent over new admissions; however HACD reserves the right to suspend in-house transfers where the vacancy rate is at or above 3%.
4. Transfers between programs (State/Federal) must be approved by the Executive Director.
5. Tenants shall not be transferred to a dwelling unit of equal size except for transferring a non-handicapped family residing in a handicap-accessible unit alleviating hardships or other undesirable conditions as determined by the Executive Director or designee, or transferring to a scattered site unit.
6. Administrative transfers will only be made when tenants are not delinquent in rent, have good housekeeping habits, and have not caused damage to the current unit being occupied.
7. Transfer requests shall be placed on a Transfer List in the order of the date the request is approved. All transfer requests shall be reviewed by Executive Director or his/her designee. Separate transfer lists shall be maintained for each development; however, a master listing of transfer requests shall be maintained at the main office of HACD by leasing staff.
8. With the exception of moves related to modernization activity (relocation) or in the case of an emergency, a tenant family transferring from one apartment to another is responsible for any costs associated with moving to the new apartment. All costs incurred for moves paid by the Authority shall be approved by the Executive Director.

B. Type of Transfers

HACD has four types of transfers: Emergency and Administrative - Category 1, 2 and Category 3.

1. *Emergency Transfers* are permitted when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by HACD. Emergency transfers may be made to repair unit defects hazardous to life, health, or safety, to alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency, to protect members of the household from criminal acts, or who may be victims of hate crimes or extreme harassment. Emergency transfers shall take priority over new admissions.

- a. HACD is not required to give prior notice of an emergency transfer.
 - b. Emergency conditions that exist due to resident abuse or neglect will be considered grounds for a transfer, however, the resident will be charged for the damages caused in the unit.
 - c. Refusal to make an emergency transfer is grounds for lease termination and eviction.
2. *Administrative Transfers, Category 1*, include transfers to alleviate verified medical problems of a serious nature, permit modernization of units, permit a family that requires a unit with accessible features to occupy such a unit, and remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency). These transfers shall take priority over new admissions.

Requests for transfers under Administrative, Category 1 will be made to the Property Manager. The resident will provide the Property Manager with the necessary verification and/or documentation to substantiate the need for a transfer. Transfers may also be initiated by HACD.

3. *Administrative Transfers, Category 2*, may be made to correct occupancy standards (i.e. over/under housed conditions), to address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the unit or common areas, or for resident hardship situations. These transfers do not take priority over new admissions and will be processed as soon as feasible taking into account HACD's vacancy rate.
- a. Transfers to correct occupancy standards may be recommended at the time of re-examination or interim redetermination. This is the only method used to determine over/under housed status.
 - b. Residents in an over/under housed status will be advised within 30 days of the annual or interim reexamination that a transfer is recommended and that the family has been placed on the transfer list.
 - c. When a head of household, originally housed in a bedroom alone, has a child, that child shall remain in the parent's bedroom until he/she is two (2) years of age. After age 2, a Category 2 Administrative Transfer may be recommended.
 - d. Residents may request a personal hardship transfer, to provide better access to employment, childcare, etc. The resident will provide the Housing Manager with the necessary verification and/or documentation to substantiate the need for a transfer. These transfers will be made after other listed transfers, as units are available, and based on the vacancy rate.
4. *Administrative Transfers, Category 3*. HACD's scattered site properties are not occupied with residents selected off of the federal public housing waiting lists. Current residents of HACD's federal low-income housing

programs have the opportunity to transfer to one of the Authority's scattered site properties after they have successfully resided in one of the federal public housing developments for a period of not less than 12 months.

These scattered site units are located throughout the City of Danbury and consist of single, duplex, and three family dwellings. Residents of HACD's scattered sites must take on many more responsibilities that they currently have living in one of the apartment complexes. Many would consider a move to a scattered site rental the first move towards homeownership. Utilities such as gas, electric and trash removal will be the resident's responsibility although they do receive a utility allowance each month. Clearing sidewalks, driveways and walkways of snow during the winter and mowing the lawns in the spring and summer are just a few of the additional responsibilities. In addition, residents of the scattered site properties are required to pay a security deposit equal to the local FMR for the bedroom size required.

If a family currently residing in a federal public housing unit desires to be considered for residency in one of the Scattered Site units, the following must occur prior to the actual move:

- a. Residents shall provide his or her current property manager with a Request to Transfer to Scattered Site Form. Upon receipt of the Request Form, the property manager shall perform a home visit and housekeeping inspection prior to approving the request. The date this form is approved by the property manager is the date the family will be placed on the Transfer List and the date the required twelve-month period of residency begins.
- b. In order to be approved for a transfer to a scattered site unit, the household must earn and maintain a minimum of 10 points over a 12-month period.
- c. The property manager will be responsible for documenting and monitoring points earned by the family during the 12-month period as follows:
 - (1.) Two Points: Earned each month for paying rent by the 5th and with no outstanding balance.
 - (2.) One Point: Earned by the household actively participating in the housing community and resident activities.
 - (3.) One Point: Earned by receiving a good housekeeping status for both the dwelling unit and any area immediately outside of the unit as a result of the annual inspection.
 - (4.) One Point: Earned by the family having no involvement with the police over the course of the 12-month period.
- d. The Authority reserves the right to determine prior to approval of a transfer to a Scattered Site unit the ability of the family to meet financial obligations including payment of all utilities.

C. Unit Offers

1. Other than for emergency transfers, HACD has the right to deny a residents' request for a transfer.
2. A tenant that has received a formal transfer offer is given two (2) business days to accept the offer and sign a Dwelling Lease for the new unit. Thereafter, the tenant is given an additional two (2) business days to move personal belongings. If the transfer has not been completed and keys to the former unit returned after four (4) days, per diem rent for the former unit will be charged in addition to rent for the new unit until the keys are returned to the appropriate HACD office.
3. If the tenant refuses a unit offer, the tenant's lease may be terminated in accordance with the lease, or at HACD's discretion, the tenant can be placed at the bottom of the transfer list as of the date of refusal and the tenant will be notified in writing. During the entire proceedings, the tenant will be advised of his/her rights under the Grievance Policy.

D. Extended Family

Members of an extended family living in a HACD unit may not be separated into two dwelling units through a transfer application. Specific family members may apply for a separate unit using the application procedures described in this Policy. Members of such a family will receive no preference on the standard waiting list(s) as a result of occupancy in a HACD unit.

E. Revision or Suspension of Transfer Policy

HACD reserves the right to revise or suspend its Transfer Policy because of efforts to decrease vacancies or any other management initiative. Transfers during such times will be treated on a case-by-case basis solely at the discretion of the Executive Director.

IX. TERMINATIONS

A. Termination Notices

1. The tenant must give a written notice to HACD of at least two (2) weeks for state housing and at least 30 days for federal public housing of intent to terminate the lease and provide a forwarding address in order to receive any refund of the tenant's security deposit.
2. If HACD terminates the lease of a tenant household, a written Notice to Quit must be given to an adult member of the household as follows:
 - a. When the health or safety of other tenants or employees of HACD is threatened, notice of HACD's intention to terminate the lease in a reasonable amount of time (not to exceed 30 days) considering the seriousness of the situation. In the case of any drug-related criminal activity on or off the premises, HACD will provide a three (3) day notice of HACD's intention to terminate the lease.
 - b. In the case of failure to pay rent which includes all payments due under the lease, notice of HACD's intention to terminate the lease in fourteen (14) days unless all amounts due under the lease have been paid before that date.
 - c. In all other cases, notice of HACD's intention to terminate the lease at least thirty (30) days.
3. The Notice to Quit to the tenant shall state reasons for the termination and shall inform the tenant of the right to make such reply as tenant may wish. The notice shall also inform the tenant of the right to examine, prior to hearing or trial, and copy at tenant's expense, HACD documents directly relevant to the termination. The notice shall inform the tenant of the right to request a hearing in accordance with HACD's Grievance Policy (if the Grievance Policy is applicable to the dispute involved).

B. Reasons for Termination

HACD may not terminate or refuse to renew the lease except for serious or repeated violations of the terms of the lease including, but not limited to:

1. The failure to pay rent or other payments when due;
2. Repeated late payment of rent, defined as failure to pay the amount of rent or other charges due by or on the 10th day of the month. Three such late payments within a twelve month period shall constitute repeated late payment;
3. Failure to pay electric, gas or heating bills when Tenant is responsible for paying such bills directly to the supplier of utilities;
4. Misrepresentation of family income, assets, or composition at the time of admission or anytime thereafter;

5. Failure to supply, in a timely fashion, any certification, release, information or documentation on family income, assets or composition needed to process re-examinations or interim re-determinations;
6. Serious or repeated damage to the apartment, creation of physical hazards in the apartment, common areas, grounds or parking area of HACD's property;
7. Behavior and/or activity by Tenant, household member, guest or visitors which disturb other residents' peaceful enjoyment of their apartments; and/or is not conducive to maintaining all HACD projects in decent, safe and sanitary conditions;
8. Drug-related criminal activity by the Tenant, household member, guest or visitor on or off the premises. With respect to a public housing resident convicted of manufacturing or producing methamphetamine on the premises, eviction shall be permanent. Premises shall be defined as the building or complex in which the dwelling is located, including common areas and grounds;
9. Criminal activity by Tenant, household member, guest or visitor including criminal activity that threatens the health, safety, or right to peaceful enjoyment of HACD's public housing premises by other residents or employees, or any drug-related criminal activity on or off the premises as defined by HACD's "One-Strike and You're Out Policy" contained in Appendix D;
10. Alcohol and/or controlled substance abuse that HACD determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
11. The presence of weapons or illegal drugs in the resident's apartment;
12. Any fire on HACD premises caused by the tenant, household members guests or visitors by their own actions or neglect;
13. Uninhabitable apartment conditions caused by the tenant, a household member, guests or visitors by their own actions or neglect;
14. Refusal of an offer of a new lease;
15. Failure to accept a transfer when currently residing in a unit that is too large or too small for the family based on HACD's Occupancy Standards or to accommodate an administrative need of HACD including but not limited to the disposition, demolition or modernization of the unit;
16. Abandonment of the unit;
17. Failure to comply with the Eight Hour Community Service Requirement as determined appropriate by HACD; and
18. Other serious or repeated violations of any material term of the lease.

C. Violence Against Women Act

The Housing Authority of the City of Danbury will not evict certain persons living in public housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by the Violence Against Women and Justice Department Reauthorization Act 2005.

1. The HACD may bifurcate a lease in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain.
2. Before complying, the HACD shall ask an individual for documentation that he or she is or has been a victim of domestic violence, dating violence, or stalking, subject to certain statutory requirements related to confidentiality and the types of documentation that may be used.
3. At such time as HUD develops a certification form to be used in conjunction with this policy, the HACD will adopt and use it.

D. Written Records

Written records documenting eviction actions shall be maintained by HACD in strict confidence and shall contain all of the following information:

1. Name of tenant and identification of unit occupied.
2. Copies of the Notice to Quit and any subsequent correspondence or notices.
3. Specific reason(s) for eviction.
4. Responses or answers, if any, received from the tenant.
5. Date and method of notifying tenant of reasons for termination and documentation of any conference(s) with the tenant, including the names of conference participants.
6. Dated and signed records of the minutes of any informal hearing held.
7. Date and description of the final action taken.

E. Abandonment of the Unit

HACD will comply with Connecticut state law regarding abandonment and disposition of property left on the premises.

1. If HACD has reason to believe that a resident has vacated or abandoned the apartment, failed to pay current rents, and has not notified HACD of his/her absence, HACD will take steps to:
 - a. Serve the tenant with a Notice to Quit;

- b. Reenter and take possession of the dwelling unit;
 - c. Remove any possessions and personal effects remaining in the premises, if the occupant does not contact HACD;
 - d. Dispose of all abandoned property in accordance with the state policy, if the occupant does not reclaim such possessions and personal effects within thirty days after the notice.
2. HACD shall take inventory of any possessions and personal effects of the occupant on the premises and shall remove and keep them for not less than thirty days. The occupant may reclaim such possessions and personal effects from HACD within the said thirty-day period. If the occupant does not reclaim such possessions and personal effects by the end of the said thirty-day period, HACD may dispose of them in accordance with Connecticut state law.

X. POSTING REQUIREMENTS/REVISIONS

A. Posting Requirements

This document will be publicly posted in a conspicuous location in the site offices and will be furnished to applicants and tenants upon request.

B. Revisions

This document may be modified by HACD provided that HACD shall give at least a thirty-day written notice to tenants setting forth the proposed modification, the reasons therefore, and providing tenants an opportunity to present written comments which shall be taken into consideration by HACD prior to the proposed modification becoming effective. A copy of such notice shall be:

1. Delivered directly or mailed to each tenant; or
2. Posted in a conspicuous place at the site offices or in a similar central business location within the site.

XI. REVISION OF OCCUPANCY POLICY RESULTING FROM CHANGES IN LOCAL, STATE, OR FEDERAL LAW OR REGULATION

The provisions of this plan are based upon local, state and federal law and regulation. Should any applicable law or regulation change, this plan will be deemed automatically revised. To the extent that the change is mandatory (allowing no Authority discretion), the text of the plan will be revised without requirement for administrative processing. In the event a conflict in this document arises due to changed laws or regulations, the laws and regulations specifically promulgated for the applicable project/program will take precedence. In the event HUD regulations change the implementation of the programs governed by this document, the HUD regulatory changes will take precedence over the provisions listed in this document.

XII. MISREPRESENTATION

The tenant shall be notified in writing if HACD finds evidence that the tenant or any adult member of the tenant family has misrepresented facts affecting the family's eligibility or rent. Willful misrepresentation of facts may result in retroactive rent charges, eviction action, and/or criminal prosecution.

Section 1001 of Title 18 of the United States Code makes it a criminal offense to knowingly make a false statement to any department or agency of the United States as to any matter within its jurisdiction and establishes penalties or fines up to \$10,000 and/or imprisonment not to exceed five years.

XIII. GRIEVANCE POLICY

The Grievance Policy contained in Appendix F sets forth the requirements, standards, and criteria established to assure the tenants of HACD an opportunity for a Hearing if he or she disputes any Authority action or failure to act involving the tenant's lease or Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

Each tenant and tenant organization shall be given a copy of the Grievance Policy and it is incorporated into this Policy on Admissions and Continued Occupancy and the lease by reference.

XIV. RELOCATION

When HACD intends to rehabilitate a development or developments and rehabilitation activities will require tenants to move temporarily or permanently, a Relocation Plan will be developed in cooperation with the affected tenants. The plan will dictate preferences to which relocatees will be entitled and their rights to housing choices, moving expenses, etc. Such preferences may affect the order of selection for applicants and transferees, and the Relocation Plan, therefore, will serve as an amendment to this policy.

XVI. DOCUMENT RETENTION

The Housing Authority of the City of Danbury considers its applicant, resident and participant records to be important assets. As such, document retention, disposition and destruction methods used by HACD shall comply with Local, State and Federal laws as set forth herein.

- A. The period of document retention is dictated by a variety of laws and regulations. In all circumstances documents must be retained in accordance with Federal, State and local laws and regulation.

In instances when the document retention policy of any governing law or regulation conflict, the longer retention period will apply. The following is a list of documents retained by the HACD with the time period of retention indicated:

Housing applicant, Resident and Participant Files:

<u>DOCUMENT</u>	<u>RETENTION PERIOD</u>
Active Applicant Files	Entire time period while active on the waiting list
Applicants Housed	Applicant record will be transferred into tenant or participant file
Applicants Denied Housing	3 years after denial
Active Resident or Participant file	Active files shall be kept until the family is no longer active
Inactive Resident/Participant files	3 years after the resident is no longer active, except in the case of eviction, which shall be permanent

B. Procedure For Document Retention:

Documents shall be maintained in accordance with all Federal, State and Local laws and regulations. All active confidential documents shall be maintained in locked file cabinets in a secured area. All inactive confidential documents shall be maintained in locked filing cabinets in a secure area or in clearly labeled record retention boxes in a secured area. Access to active and inactive documents must be clearly labeled indicating the following:

- Contents of documents
- Department of origination
- Date of storage
- Date of destruction, if applicable, or labeled as a permanent record

C. Document Destruction:

HACD will take all necessary action to protect the confidential nature of documents in its possession. Documents will be maintained only as required and indicated above. In the best interest of protecting confidential documents, destruction will be handled in the most confidential, timely and cost effective manner possible.

Procedure for Document Destruction:

Documents that have reached their period of retention shall be shredded. Documents of a confidential nature which are not to be made part of a required record or file shall be shredded immediately after the intended purpose for the document has been served. The document shall be shredded using shredding machines located in various HACD offices, or as contracted by HACD by a reputable source. This includes items such as:

- miscellaneous confidential working notes that are not required to be maintained as part of a record
- reports or documents printed in error or excess
- photo copies of confidential data printed in error or excess

APPENDICES

APPENDIX A

GRIEVANCE PROCEDURE



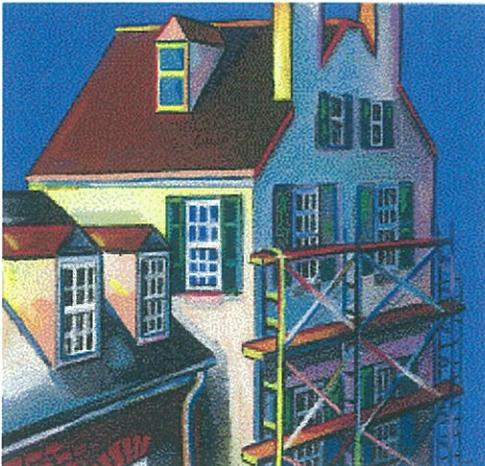


HOUSING AUTHORITY OF THE CITY OF DANBURY GRIEVANCE POLICY

APPENDIX A

HOUSING AUTHORITY OF THE CITY OF DANBURY
2 MILL RIDGE ROAD
DANBURY, CT 06811

APPENDIX A GRIEVANCE POLICY



Adopted Resolution 685 October 18, 2007

Amended Resolution 786 April 16, 2009



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GRIEVANCE POLICY

I. PURPOSE AND SCOPE

This Grievance Policy sets forth the requirements, standards, and criteria established to assure the tenants of the Housing Authority of the City of Danbury (the Authority) state and federal public housing and participating housing choice voucher families an opportunity for a Hearing if he or she disputes any Authority action or failure to act involving the tenants' lease or Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

II. APPLICABILITY

- A. This policy applies to all grievances between individual tenants residing in state and federal public housing and the Authority as defined in Section IIIA below.
- B. With regards to HACD's federal and state public housing program, this Grievance Policy does not apply to:
 - 1. Disputes between tenants in which the Authority is not involved;
 - 2. Any changes in Authority policies and procedures. This procedure is not intended as a forum for initiating or negotiating policy changes between a tenant or group of tenants and the Authority.
 - 3. Class grievances.
 - 4. Termination of tenancy or eviction from federal or state public housing that involves:
 - a. Any violent criminal or other activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the Authority; OR
 - b. Any drug-related criminal activity on or off the premises.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- C. This policy applies to all grievances or disputes between individual participants of HACD Housing Choice Voucher program and the Authority as defined in Section IIIA below.
- D. With regards to HACD's Housing Choice Voucher program, this Grievance Policy does not apply to:
 - 1. Discretionary administrative determinations by HACD.
 - 2. General policy issues or class grievances.
 - 3. Establishment of the schedule of utility allowances.
 - 4. A determination by HACD not to approve an extension or suspension of a voucher term or not to approve a unit or lease.
 - 5. A determination by HACD that an assisted unit is not in compliance with HQS.
 - 6. A determination by HACD that a unit is not in compliance with HQS because of family size.
 - 7. A determination by HACD either to exercise or not to exercise any right or remedy against an owner under a HAP contract.

III. DEFINITIONS

For the purpose of this Grievance Policy, the following definitions apply:

- A. Grievance – Any disagreement which a tenant or participant may have with respect to Authority action or failure to act in accordance with the individual's lease or Authority regulations which adversely affects the individual tenant's or participants rights, duties, welfare or status.
- B. Complainant – Any state or federal public housing tenant or voucher participant whose grievance is presented to the Authority in accordance with Sections IV and V of this Policy.
- C. Elements of Due Process -- Legal proceedings carried out in accordance with established rules. Any eviction or termination proceeding requires:
 - 1. Adequate notice to the state or federal public housing tenant of the grounds for terminating his or her lease and for eviction.
 - a. The Authority shall give fourteen (14) days written notice of termination if the termination is caused by the tenant's failure to pay rent.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- b. The Authority shall give seven (7) days written notice of termination if there is a threat to the health or safety of other tenants or employees of the Authority.
 - c. The Authority shall give thirty (30) days written notice of termination in all other cases.
 2. HACD must always provide the opportunity to request an Informal Hearing to a voucher participant before termination of assistance under the Housing Choice Voucher program.
 3. The right of the public housing tenant or voucher participant to be represented by legal counsel.
 4. The opportunity for the tenant or participant to disagree with the evidence presented by the Authority including the right to confront and cross-examine witnesses and to present any affirmative legal or fair defense which the tenant may have. The tenant or voucher participant may examine (and make copies at own expense) all relevant documents, records, policies, and regulations of the Authority prior to the hearing for the purpose of preparing a defense. HACD will make the copies for the family and assess a charge of \$.25 per copy.
 5. A decision on the merits.
 6. A person with disabilities shall be provided reasonable accommodation to the extent necessary to provide the person with the opportunity to participate in a grievance hearing.
- D. Hearing Officer – A person selected by the Authority to hear grievances and make a decision.
- E. Hearing Panel – A panel selected by the Authority to hear grievances and to make a decision.
- F. Tenant – shall mean the adult person (or persons) other than a live-in aide who:
 1. Resides in the unit, and who executed the lease with the Authority as lessee of the dwelling unit, or, if no such person now resides in the unit;
 2. Resides in the unit, and is a remaining member of the tenant family residing in the dwelling unit.
- G. Resident Organization – Includes Resident Councils and Resident Management Corporations.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- H. Informal Settlement – Meeting held with complainant and the Authority in an attempt to resolve the grievance before going to a formal grievance hearing.
- I. Summary of Discussion – Result of informal hearing giving detailed information in writing of the major points discussed in the informal hearing and the Authority’s decision on the complaint.
- J. Escrow – Money held by a third person fiduciary as a good faith promise until a determination is made on what to do with the money. The escrow amount can be deposited into a bank account or held by an uninterested, independent third party with the equivalent security and accountability as a bank account.
- K. Waiver – The release of a right or claim.
- L. Trial De Nova – The right to a new trial.

IV. INFORMAL SETTLEMENT OF GRIEVANCE

- A. Any grievance shall be personally presented, either orally or in writing, within five (5) business days after the grievable event to the Authority office of the project in which the complainant resides so that the grievance may be discussed informally and settled without a Hearing. The HACD must schedule the informal meeting within fifteen (15) business days of receipt of the grievance.
- B. The Authority must, within a reasonable time and not to exceed fifteen (15) business days after the informal discussion, provide a written summary of the discussion of the meeting discussion and send it to the complainant by Registered or Certified Mail or deliver it personally with a signed receipt obtained from the complainant. A copy will be retained in the complainant’s file. The summary of discussion will specify the following:
 - 1. Names of the participants.
 - 2. Date of the discussion.
 - 3. Nature of proposed disposition of the grievance.
 - 4. Specific reason for proposed disposition of the grievance.
 - 5. Procedures by which a Hearing may be obtained if the complainant is not satisfied.
 - 6. That the complainant has five (5) business days from the date of the summary of the discussion to request a Hearing.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- C. Before a complainant can request a Hearing by a Hearing Officer the grievance must be submitted first for an informal meeting.
- D. If the complainant can show good cause why he or she has failed to follow the procedure for informal meeting to the Hearing Officer, the informal meeting may be waived by the Hearing Officer.

V. PROCEDURE TO OBTAIN A HEARING

- A. If the complainant is dissatisfied with the results of the informal meeting contained in the summary of discussion, he or she must submit a written request to the Authority or to the property management office within ten (10) business days after the receipt of the summary of the discussion pursuant to Section IV. The written request for a formal hearing must specify the reason(s) for the grievance and the action or relief sought.
- B. Selection of Hearing Officer. Grievances shall be presented before a Hearing Officer. The Hearing Officer shall be an impartial, disinterested person appointed by the other than the person who made or approved the HACD action under review or a subordinate of that person.

VI. FAILURE TO REQUEST A HEARING

If the tenant does not request a Hearing within ten (10) business days following the date of the summary of the informal meeting:

- A. The Authority's disposition of the grievance under Section IV as stated in the summary of discussion, becomes final and effective at the close of business on the fifth business day following the date of the summary of the discussion.
- B. The failure to request a hearing does not waive the complainant's right to contest the Authority's decision in an appropriate judicial proceeding.

VII. HEARING INVOLVING AMOUNT OF RENT - ESCROW ACCOUNT

Before a Hearing can be scheduled for a grievance involving the amount of rent due from a state or federal public housing tenant as defined in the lease, the complainant must:



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- A. Pay the Authority the full amount of rent, calculated by the Authority, which was due on the first of the month preceding the month in which the grievance occurred; and
- B. Deposit this same amount of rent due into an escrow account every month until the complaint is resolved by the Hearing Officer's decision.

If the tenant fails to comply with A and B above, the grievance process will be terminated. Failure to follow A and B above, however, does not waive any of the tenant's rights to contest the Authority's disposition of the grievance in an appropriate judicial proceeding.

The requirements described in Section VII of this Grievance Policy may be waived by the Authority in extenuating circumstances.

VIII. SCHEDULE OF HEARINGS

If the complainant has met the informal meeting requirements, properly requested a formal Hearing, and made any necessary rental payments to the Authority or to an escrow account (when applicable), then the following will take place:

- A. A Hearing will be scheduled by the Hearing Officer within fifteen (15) days of the date the HACD receives the Request for the Hearing.
- B. The Hearing will be scheduled for a time and place reasonably convenient to both the complainant and the Authority. The written notification will be delivered to the complainant and appropriate Authority officials, by Registered or Certified mail, or delivered promptly with a signed receipt notice.
- C. The written notification will specify:
 1. Time of Hearing.
 2. Place of Hearing.
 3. Procedures governing the Hearing.

IX. FAILURE TO APPEAR AT THE HEARING

- D. If the complainant fails to appear at the Hearing and has not rescheduled the Hearing 24 hours in advance, the Hearing Officer may make a determination to postpone the hearing for a period not to exceed five (5) business days, or may make a determination that the non-appearing party has waived the right to a formal Hearing.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- E. The complainant and the Authority will both be notified in writing of this determination by the Hearing Officer within a reasonable time.
- F. Failure of the tenant to appear at the Hearing and a determination that he or she has waived the right to a Hearing does not waive the tenant's right to argue the case in an appropriate judicial proceeding.

X. PROCEDURE GOVERNING HEARING

- A. After a Hearing date has been established, the complainant may request to reschedule only upon showing "good cause" defined as an unavoidable conflict that seriously affects the health, safety, or welfare of the complainant. Only one request to reschedule will be approved by HACD.
- B. The Hearing shall be held before the Hearing Officer. The impartial person will not:
 - 1. Be a subordinate of the person who made or approved the Authority's action.
 - 2. Be a resident of the Authority.
 - 3. Be a relative or close friend of the complainant.
- C. The complainant shall be afforded a fair Hearing, which shall include:
 - 1. The opportunity to examine any documents, including records and regulations that are directly relevant to the Hearing, prior to the Hearing. The complainant shall be allowed to copy any documents at his or her own expense. Any document requested but not made available to the complainant for examination may not be relied on by the Authority during the Hearing;
 - 2. The right to be represented by counsel or other person chosen as his or her representative and to have this person make statements on the complainant's behalf;
 - 3. The right to present evidence and arguments in support of his or her complaint, to object to irrelevant evidence and request that such evidence be excluded, and to confront and cross-examine all witnesses on whose testimony or information the Authority or project management relies; and
 - 4. A decision based solely and exclusively upon the facts presented at the Hearing.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- D. The Hearing Officer may render a decision without holding the Hearing if the Hearing Officer determines that the issue has been previously decided in another proceeding.
- E. At the Hearing, the complainant must first show that he or she is entitled to the relief sought after which the Authority must justify the action or failure to act as cited in the complaint.
- F. The Hearing will be conducted informally by the Hearing Officer. Oral or documentary evidence pertinent to the facts and issues mentioned in the complaint may be received without regard to admissibility under the rules of evidence applicable in judicial proceedings.
- G. The Hearing Officer shall require the Authority, the complainant, complainant's counsel and other participants or spectators to conduct themselves in an orderly fashion.
- H. Failure to comply with the Hearing Officer's call for order may result in removal of the offending person from the proceedings, termination of the Hearing, or the entry of judgment by default against the offending person.
- I. The complainant or the Authority may arrange in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested person may purchase a copy of the transcript.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

J. **Accommodation of Persons with Disabilities See FAIR HOUSING PLAN Reasonable Accommodation**

1. The Authority will take steps to insure that reasonable accommodation for persons with disabilities is provided so that participation in any Hearing is possible. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants.
2. If the complainant is visually impaired any notice, which is required under this Grievance Policy, must be in an accessible format.

XI. **DECISION OF HEARING OFFICER**

- A. The Hearing Officer will prepare a written decision, including an explanation of the reasons for the decision, within a reasonable time after the Hearing.
- B. A copy of the decision will be sent to the complainant and the Authority at the same time. The Authority shall retain a copy of the decision in the complainant's folder.
- C. A copy of the decision, with all names and identifying references deleted, will also be maintained on file by the Authority and made available for inspection by a prospective tenant, his or her representative or the Hearing Officer.
- D. The decision of the Hearing Officer shall be binding on the Housing Authority who shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Executive Director or Board of Commissioners determines within reasonable time, and promptly notifies the resident of its determination, that:
 1. The grievance does not concern Authority action or failure to act in accordance with or involving the resident's lease or Authority regulations, which adversely affect the resident's rights, duties, welfare or status;
 2. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, Authority regulations, or requirements of the Annual Contributions Contract between the Authority and the U.S. Department of Housing and Urban Development.
- E. A decision by the Hearing Officer or Authority Board of Commissioners in favor of the Authority, or which denies the relief requested by the complainant in whole or in part, does not waive or affect any rights the complainant may have to a trial de nova or judicial review in any judicial proceedings, which may be filed in the future.



Housing Authority of the City of Danbury : GRIEVANCE POLICY

- F. If a HACD state or federal public housing tenant has requested a Hearing in accordance with this Policy with a complaint involving a Notice of Lease Termination and the Hearing Officer upholds the Authority's action to terminate tenancy, the Authority shall not commence an eviction action in a State or local court until it has serviced a Notice to Quit to the tenant. In no event shall the Notice to Quit be issued prior to the decision of the Hearing Officer having mailed or delivered to the complainant the decision. Such Notice to Quit must be in writing and specify that if the tenant fails to quit the premises within the applicable statutory period, or on the termination date stated in the termination notice, whichever is later, appropriate action will be brought against the tenant and he/she may be required to pay court costs and attorney fees.

APPENDIX B

Flat Rent as of January 1, 2007 *As approved by Resolution #637*

0 Bedroom Units:		
	Scattered Sites	\$699.00
1 Bedroom Units:		
	Laurel Gardens, Putnam Towers, Wooster Manor:	\$848.00
2 Bedroom Units:		
	Eden Drive, Laurel Gardens, High Ridge Gardens, Scattered Sites:	\$1,077.00
3 Bedroom Units:		
	Eden Drive, Laurel Gardens, High Ridge Gardens, Scattered Sites:	\$1,289.00
4 Bedroom Units:		
	Eden Drive, High Ridge Gardens, Scattered Sites:	\$1,598.00

APPENDIX C

SCHEDULE OF SECURITY DEPOSIT REQUIREMENTS

Federal Properties

Laurel Gardens - \$100

Eden Drive - \$100

Wooster Manor - \$100

Putnam Towers - \$100

Scattered Sites – an amount equal to the local FMR for the bedroom size

State Properties

Crosby Manor- \$100

Glen Apartments- \$100

Moderate Rental- \$285 2 bedroom

\$294 3 bedroom

\$303 4 bedroom

Ives Manor - one month's Total Tenant Payment (TTP)

Moderate Rehab Units – one months' Total Tenant Payment (TTP)

SRO units – no security deposit

Pet Deposit: A Pet Deposit of \$150.00 is required at all HACD Properties

APPENDIX D

“ONE STRIKE, YOUR’RE OUT POLICY

The residences owned and operated by the Housing Authority of the City of Danbury provide decent, safe and affordable housing for families. It is our intention to endorse and implement a policy that will create and maintain a safe and drug-free community, help maintain an environment where children can live safely, learn and grow up to be productive citizens, and assist families in their goals in the pursuit of self-sufficiency.

During the application process, the Authority will request criminal background checks for all family members aged 16 years and older. If, during the review, there is an indication that the family or any family member is engaged in drug-related criminal or violent criminal activity, HACD will conduct closer inquiry to determine whether the family should be denied admission.

Persons evicted or terminated from any unit or program administered by the Authority or another PHA because of drug-related criminal activity are ineligible for admission for a three-year period beginning on the date of such eviction/termination.

The Authority will deny participation in the program to applicants where it is determined there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the Authority determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The Authority will permanently deny admittance to any unit or program administered by HACD in which any family member is subject to a lifetime sex offender registration requirement or has been convicted of manufacturing methamphetamine in any state subsidized or federally-assisted residence.

The Authority may deny admittance to persons with a history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents.

“Violent criminal activity” is defined as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

“Credible evidence” may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants or evidence gathered by inspectors and/or investigators.

At the time of initial lease executive and every year thereafter at annual reexamination, all adult family members must sign and date a Drug-Free Housing Addendum.

The Authority may evict residents for any violation of the Drug-Free Housing Addendum including when it is determined there is reasonable cause to believe that a family member, or guest, is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the Authority determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The Authority will immediately terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of any housing property in violation of any Federal or State law. "Premise" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

APPENDIX F: FAIR HOUSING PLAN

APPENDIX F

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



HOUSING AUTHORITY OF THE CITY OF DANBURY

FAIR HOUSING PLAN

Adopted Resolution 685 October 18, 2007
Amended Resolution 786 April 16, 2009

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.

Housing Authority of the City of Danbury

CT020

 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

Domenico Chieffalo

Title

Chairman

Signature

Date 10/21/2010

Multifamily Housing Administrative Fee Calculations

Traditional Contract Administrator Name	HOUSING AUTHORITY OF DANBURY	
Old Section 8 Number	CT26-8023-005	
New Section 8 Number	CT020NC0005	
Project Name	DANBURY TOWERS	
# Of Units	80	
Region or MSA	RIDGEFIELD DANBURY CT	
Utilities: Included or Excluded	INCLUDED	
Adjusted Base Rent 2010		\$ 1,753.00
2011 Annual Adjustment Factor (Fed Reg 01/12/10)	1.058	
Adjusted Base Rent 2011		\$ 1,855.00
Percentage of Base Amount Per Unit	3%	
Administrative Fee Per Unit		\$ 55.65
Number of Units	80	
Monthly Administrative Fee (#Unit*Fee Per Unit)		\$ 4,452.00
FY Months	12	
Administrative Fee for TCA FYE: 12/31/2011		<u>\$ 53,424.00</u>

Signature of Authorized TCA Official

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Date

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POLICY STATEMENT

It shall be the policy and commitment of the Housing Authority of the City of Danbury (“HACD”) to ensure that fair and equal housing opportunities are granted to all persons, in all housing opportunities and development activities funded by the town, regardless of using race, color, religion, gender, sexual orientation, marital status, lawful source of income, familial status, national origin, ancestry, age or mental or physical disability.

This shall be done through a program of education, an analysis of impediments, and designation of a Fair Housing Officer and development of a procedure for complaints of discrimination. This plan will incorporate the directives of state and federal laws and executive orders, including, but not limited to:

Title VI of the Civil Rights Act of 1964

The Fair Housing Act – Title VIII of the Civil Rights Act of 1968, as amended

Executive Order 11063, as amended by Executive Order 12259

Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended

Section 109 of Title I of the Housing and Community Development Act of 1974, as amended

Section 3 of the Housing and Community Development Act of 1968, as amended

Sections 503 and 504 of the Rehabilitation Act of 1973, as amended

The Americans with Disabilities Act of 1990

The Age Discrimination Act of 1975, as amended

Executive Order 11246 (as amended by Executive Orders 12375 and 12086) Equal Opportunity under HUD contracts and HUD-assisted Construction Contracts

Executive Order 12892, Leadership and Coordination of Fair Housing

Connecticut General Statute’s 46a-64c as amended

The HACD commits to providing and promoting racial and economic integration in any housing development or financially supported with the Department of Housing and Urban Development (HUD) and the Department of Community and Economic Development (DECD) funding and will take affirmative steps to reach beneficiaries from all racial and ethnic groups as well as the physically or mentally disabled and families with children and to reach a broad range of income eligible beneficiaries for appropriate and applicable housing opportunities.

DESIGNATION OF FAIR HOUSING OFFICE

In accordance with Title VIII, Civil Rights Act of 1968, as amended, the Housing Authority of the City Of Danbury's Executive Director has been designated to handle fair housing complaints and activities

Mary Carolyn Sistrunk, Executive Director
2 Mill Ridge Road
Danbury Connecticut, 06813
(203) 744-2500

The Office of the Executive Director is responsible for the intake and processing of all housing complaints as well as implementation of the Fair Housing Plan activities and actions. While not expected to be an "expert" in Fair Housing Laws, at a minimum, the officer will be familiar with the complaint process and federal and state laws, which address Fair Housing. Records which show the date, time, nature of complaint and decisions made in the complaint process (es) will be fully documented. A separate file will maintain a record of all housing discrimination complaint and follow-up actions.

COMPLAINT PROCESS

Housing discrimination complaint forms from HUD and from the State of Connecticut Commission on Human Rights and Opportunities, as well as a summary of actions which constitute housing discrimination, and instructions for completing and filing housing discrimination complaints will be made available to residents. Forms will also be distributed to lenders, realtors, and at other public places such as the Library periodically.

The Fair Housing Officer will reasonably assist the complainant in submitting the complaint to the appropriate body by providing assistance in explaining the form and/or contacting the appropriate office and allowing the use of town phones for communication.

The individual(s) filing the complaint will then be advised of the option of filing directly with the Department of Housing and Urban Development (HUD), the Connecticut Commission on Human Rights and Opportunities (CHRO), or the Equal Employment Opportunity Commission or with all agencies simultaneously. The Fair Housing Officer will keep a record of the progress on the number of complaints filed, actions taken, and the statue of each complaint.

RESIDENT ON RESIDENT HARASSMENT POLICY: GUIDELINES FOR STAFF

BACKGROUND

Under Fair Housing laws, "Discriminatory Harassment or Intimidation" includes abusive, foul or threatening language or behavior directed at a resident, staff person or guest because of their protected class. Protected classes include a person's race, color, national origin, religion, sex, disability, familial status. It is recommended that the harassment policy below be included in your written rules for residents.

HARASSMENT POLICY

It is the policy of the HACD that harassment or intimidation of a resident, staff person or guest because of that person's race, color, national origin, religion, sex, disability, familial status, will not be tolerated and could be grounds for termination of tenancy.

Discriminatory harassment and intimidation are violations of the fair housing laws and are specifically prohibited. Harassment and intimidation include abusive, foul or threatening language or behavior. All staff shall model appropriate non-discriminatory behavior and strive to cultivate and maintain a living environment that is free from discriminatory harassment or intimidation. All staff shall be trained in detecting and addressing discriminatory harassment or intimidation.

Staff who witness or learn of possible discriminatory harassment or intimidation or receive a complaint from a resident must take it seriously and respond promptly according to the procedures outlined in this policy.

Note: In situations where a resident who complains of harassment does not speak English, an arrangement should be made with an interpreter so the resident's concerns are clearly understood.

PROCEDURES

In cases of emergency, such as immediate threat of bodily harm, call the City of Danbury Police Department emergency line or 911.

When a resident complains of discriminatory harassment, tell the resident that you take the complaint seriously and will be looking into the matter.

Conduct a prompt investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and the context in which the alleged incidents occurred.

- When discussing the allegations with the alleged harasser, tell them that harassment is not tolerated and that you will be investigating the allegation.
- Document all information gathered.

If you are unable to verify a violation of the policy following the investigation:

- Document the complaint and results of the investigation in both the complaining parties and alleged harasser's files.
 - Remind each individual alleged to have engaged in discriminatory harassment about management's serious commitment to a housing environment free of harassment and that retaliation against the complaining party will not be tolerated.
- Promptly inform the complaining party of the results of the investigation and the actions taken.
- For ongoing resident conflict that cannot be verified as motivated by discrimination, staff may wish to refer residents to HACD's Fair Housing Officer.

If the investigation supports a violation of this policy:

- Document the complaint and results of the investigation in both the complaining parties and alleged harasser's files.
- Proceed with progressive disciplinary action up to and including eviction if necessary for ongoing or serious violations. For example, if the allegation involves an isolated incident of a single derogatory statement, it may be appropriate to issue a 10-day notice to comply with a stern written warning that additional incidents could result in termination of tenancy. On the other hand, if the allegation involves a single incident of highly offensive language along with threats, a notice to terminate tenancy may be appropriate.
- Promptly inform the complaining party of the results of the investigation and the actions taken.
- Remind all parties that retaliation against the complaining party or others involved in the investigation will not be tolerated.

Retaliation: Staff shall monitor for retaliation against any person involved in the filing or investigation of a complaint of discriminatory harassment or intimidation. Staff shall deal with retaliation by the alleged harasser in the same manner as we deal with allegations of discriminatory harassment under this policy. Retaliation by staff against any resident complaining of harassment will not be tolerated.

RESIDENT ON RESIDENT HARASSMENT POLICY GUIDELINES FOR RESIDENTS

BACKGROUND

Under Fair Housing laws, "Discriminatory Harassment or Intimidation" includes abusive, foul or threatening language or behavior directed at a resident, staff person or guest because of their protected class. Protected classes include a person's race, color, national origin, religion, sex, disability, familial status.

HARASSMENT POLICY

It is the policy of the Housing Authority of the City of Danbury that harassment or intimidation of a resident, staff person or guest because of that person's race, color, national origin, religion, sex, disability, familial status, will not be tolerated and could be grounds for termination of tenancy. Residents who experience or witness such conduct are strongly encouraged to report it to their District Asset Management or Fair Housing Officer **Mary Carolyn Sistrunk, 2 Mill Ridge Road, Danbury Connecticut, 06810.**

Retaliation: HACD will not tolerate retaliation by staff or residents against (1) any resident who complains of discriminatory harassment or intimidation or (2) any witness who supports a claim of discriminatory harassment or intimidation.

PROCEDURES

If you experience or witness what may be discriminatory harassment or intimidation, you are strongly encouraged to address or report any incident according to the following procedures:

- In cases of emergency, such as immediate threat of bodily harm, call 911.
- If you are the victim of a hate crime such as vandalized property or a threat of harm to yourself or your property, contact the City of Danbury Police Department.
- If you feel safe doing so, ask the person doing the harassing to stop the behavior.

Report the problem to District Asset Management or Fair Housing Officer **Mary Carolyn Sistrunk, 2 Mill Ridge Road, Danbury Connecticut, 06810, (203) 744-2500.**

- Staff will take your complaint seriously and get back to you after looking into the matter.
- If you believe staff is failing to take appropriate action regarding your complaints of discriminatory harassment or intimidation contact HACD's Fair Housing Officer, Carolyn Sistrunk, 2 Mill Ridge Road, Danbury Connecticut, 06810.
- If you believe that the resident you complained about or any other resident or guest is treating you badly because you complained about discriminatory harassment or intimidation, report that behavior to staff immediately.
- If you believe staff is treating you unfairly after reporting discriminatory harassment or intimidation, contact HACD's Fair Housing Officer.
- If you have any questions regarding your rights and responsibilities under the fair housing laws contact a fair housing agency in your area listed on the attached sheet.

**HOUSING AUTHORITY OF THE CITY OF DANBURY
REASONABLE ACCOMMODATION POLICY
FOR PERSONS WITH DISABILITIES**

ATTACHMENT F**REASONABLE ACCOMMODATION STATEMENT OF POLICY**

The Housing Authority of the City of Danbury (HACD) is committed to operating all of its housing programs in a fair and impartial way. In addition to requiring fairness and impartiality without regard to race, color, sex, sexual orientation, family responsibilities, national or ethnic origin, religion, age, personal appearance, familial status, marital status, political affiliation, source of income, matriculation and place of residence or business, HACD is committed to providing programs in a way that does not discriminate against individuals with disabilities.

BACKGROUND

HACD is subject to several laws governing rights of the disabled, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. Section 504 of the Rehabilitation Act mandates that federal fund recipients such as HACD, ensure that their programs are accessible to qualified individuals with disabilities. Section 504 also requires HACD to ensure that individuals with physical and mental disabilities have the opportunity to participate equally in programs and activities. It aims to eliminate discrimination against people with disabilities by ensuring certain accessibility standards are met when building or altering facilities, as well as protection in programs and activities.

The HACD'S ADA/504 program provides civil rights protection in several areas to people with disabilities. It similarly provides for the elimination of discrimination against individuals with disabilities. The ADA extends section 504's mandate of nondiscrimination based on disability to state and local government agencies not covered by section 504. ADA seeks to dispel stereotypes and assumptions about disabilities and ensure equal opportunity and encourage full participation, independent living and economic self-sufficiency for disabled people.

ADA/504 PROGRAM COORDINATOR

HACD must designate and publicize the availability of at least one person to coordinate its efforts to comply with Section 504 and the ADA. The person assigned Section 504 and ADA responsibilities have open and regular communications throughout the organization to coordinate and oversee ongoing compliance efforts with the support of the Executive Director.

A. Definition of reasonable accommodation:

- (1) Reasonable accommodation is an adjustment to job duties, performance methods, and/or work setting or service delivery to meet the individualized need of a resident, applicant or employee with a disability.
- (2) The provision of a reasonable accommodation removes barriers in a specific situation, that prevent or limit the application process, recruitment, employment and upward mobility of a qualified person with a disability or prevents their participation in a program, activity or event

B. Examples of reasonable accommodation are:

- Making public housing programs, policies and facilities accessible and usable;
- Job restructuring;
- Modifying work schedules;
- Implementing flexible leave policies;

- Reassigning to a vacant position;

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- Providing assistive equipment at HACD programs;
- Modifying test, training materials and policies; or
- Providing qualified readers or interpreters.

SCOPE AND PURPOSE

Scope

This Policy provides guidance and the procedure through which individuals may request reasonable accommodation; and the manner in which departments should consider and review those requests.

Purpose

This Policy is intended to assist applicants for employment, current employees; individuals desiring to participate in HACD sponsored programs or activities, and directors, managers and coordinators in requesting and processing reasonable accommodation requests. It covers the following:

- Guidelines for filing a Request for Reasonable Accommodation
- Guidelines for considering and evaluating a Request for Reasonable Accommodation Appeal process

FILING A REQUEST FOR REASONABLE ACCOMMODATION

Any applicant for employment, current employee, or individual with a disability seeking to participate in a HACD program or activity, or his/her representative, may request a reasonable accommodation. The applicable department shall provide persons requesting accommodation a **Reasonable Accommodation Request Form**. It is the responsibility of the requester to complete in full and submit the form to their immediate District Asset Management and/or the Human Resources Department representative responsible for the employment or program activity.

- (a) Individuals seeking, or supervisors wanting to provide informally, a reasonable accommodation may do so; a formal request would follow if the informal request was rejected.

Although the responsibility for requesting the reasonable accommodation rests primarily with the applicant, employee, or participant, the HACD Asset Management Human Resources or the Executive Office are available as resources in the preparation, explanation, and dissemination of reasonable accommodation information or technical assistance. All requests for accommodation must indicate the following:

- (a) Name, address, and telephone number of the person requesting accommodation.

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- (b) The specific limitation, the type of accommodation requested, with an explanation of how the accommodation will allow the performance of the essential functions of the position or the participation in a program or activity.
 - (c) Verification of the disability by the requester's physician, medical provider or vocational/rehabilitation counselor may be required. (If medical verification is required the person requesting accommodation must sign a release form **AUTHORIZATION FOR THE RELEASE OF MEDICAL INFORMATION**).
- REVIEW OF REQUESTS FOR REASONABLE ACCOMMODATION**

Because of the personal nature of some disability issues every reasonable effort should be taken to ensure confidentiality during the entire review process.

- (a) The determination whether to provide an accommodation is made on a case-by-case basis. This is an individual process through which HACD District Management and/or Human Resources Representative and the individual with a disability discuss and arrange for the necessary (and reasonable) changes. HACD must make a "reasonable effort" to determine the appropriate accommodation. Primary consideration should be given to the preferences of the individual when deciding on accommodation; however, the HACD has the ultimate discretion to choose between effective accommodations.
- (b) A department may not compel an individual with a disability to use an accommodation that is not necessary to perform the job.

In considering a request for accommodation HACD will complete the **Reasonable Accommodation Request Review Form**. The following factors must be considered when reviewing a request for accommodation:

- (a) Analyze the job or activity to determine the essential functions.
- (b) Determine with the employee, applicant or participant how the disability limits their performance of the essential functions.
- (c) Identify accommodation options that overcome limitations and determine the effectiveness and feasibility of the proposed accommodations.
- (d) Considering the requester's preference, the HACD will select the accommodation most appropriate for the requester and the Agency.

If the request is approved, the District Asset Manager or Human Resources representative will notify the requester and make the necessary implementation arrangements. If the request is denied, the requester may appeal to the Executive Director within thirty (30) calendar days.

The review process concluding with the approval or denial, unless the requester and the District Asset Management or Human Resources Representative agree to an extension recommendation, shall be completed in fifteen (15) working days from the date of the request of time.

ATTACHMENT F**Who can receive a reasonable accommodation?**

The Reasonable Accommodation Policy applies to qualified individuals with disabilities in the following programs provided by the HACD:

- (a) Applicants of public housing;
- (b) Applicants of all Housing Choice Voucher and Moderate Rehabilitation Programs;
- (c) Residents of public housing developments;
- (d) Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs; and
- (e) Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the HACD, its agents or contractors including all non-housing facilities and common areas owned or operated by the HACD.
- (f) Employees of HACD or its affiliates

Who is a person with a disability?

A person with a disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities. Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

What are some examples of reasonable accommodations?**Applicants**

- Making documents available in large type, computer disc, Braille or providing a reader to a vision- impaired applicant;
- Making a sign language interpreter available to a hearing-impaired applicant during a meeting with staff, interviews or at resident meetings;
- Permitting an outside agency or family member to assist an applicant or resident to meet HACD's applicant screening criteria or meeting essential lease obligations;

Public Housing Residents

- Making a HACD unit, part of a unit or public and common use element wheelchair accessible for the head of household or a household member with a disability that is on the lease;
- Installing strobe type flashing light smoke detectors and lights or other such equipment in a HACD housing unit for a family member with a hearing-impairment;
- Permitting a family to have a service or assistance animal necessary to assist a house-hold member with a disability in a HACD development; Allowing a live-in aid to reside in an appropriately sized HACD unit; transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability; Transferring a resident to a unit on a lower level or a unit

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that is completely on one level;

Section 8 Housing Choice Voucher Program Applicants

- a. Permitting requests for extensions of Housing Choice Vouchers if there is a difficulty in locating a unit with suitable accessible features **or** otherwise appropriate for the family;
- b. As a reasonable accommodation for a family member with a disability, approving a request for exception payment standard amounts under the Section 8 Housing Choice Voucher Program;
- c. Provide search assistance to disabled Section 8 Housing Choice Voucher Program participants; and
- d. Provide to Section 8 Housing Choice Voucher Program participants a list of properties known to HACD that have accessibility features.

How can I make a reasonable accommodation request?

A person with a disability may request a reasonable accommodation at any time during the application process, residency in federal or state public housing, or participation in the Housing Choice Voucher Programs of HACD. All requests must be reduced to writing by the individual, HACD staff or any person identified by the individual.

How does a public housing resident apply for a reasonable accommodation?

The District Asset Management shall request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the resident in the opportunity to fully enjoy the dwelling unit or non- housing program.

Who can verify any disability and need for an accommodation?

The following may provide verification of a resident's disability and the need for the requested accommodation:

- (a) Physician;
- (b) Licensed health professional;
- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

What happens to my request after I submit it to the District Asset Management ?

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The District Asset Management must coordinate property staff recommendations and all materials and verifications. The District Asset Management may approve a request-for a reasonable accommodation, but may not deny a request. The decision to approve or recommend denial of the reasonable accommodation request shall be made as expeditiously as possible.

All recommendations for denial from District Asset Management must be forwarded to the HACD's ADA/504 Coordinator (Executive Director) for further review and final determination. See Appendix I HACD Grievance Policy for Procedures

Once the decision has been made to approve a request for a reasonable accommodation, a copy of all documents shall be forwarded to the Executive Director who shall also serve as the ADA/504 Coordinator. The resident will be notified in writing of the final reasonable Accommodation determination. If the accommodation is approved, the resident will be notified of the projected date for implementation. If the accommodation is denied, the resident will be notified of the reasons for denial and advised of HACD's Grievance Procedures.

All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the appropriate District Asset Management for implementation. All requests for reasonable accommodation that are approved by the District Asset Management will promptly be implemented or begin the process of implementation HACD will seek to provide the individual with a disability an alternative opportunity to fully participate in the program or activity provided by HACD if their request ,cannot be approved.

How does an applicant for any type of housing apply for a reasonable accommodation?

HACD's Admissions and Occupancy Management shall request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the applicant with the opportunity to apply for housing. However, an applicant family that has a member with a disability must still be able to meet the basic requirements of tenancy they must be able to pay rent, to care for their housing unit, to report required information to the Housing Authority, to avoid disturbing their neighbors, etc. Still, there is no requirement that they be able to do these things without assistance.

Can a Section 8 Housing Choice Voucher Participant request a physical change to their home the same way public housing residents can?

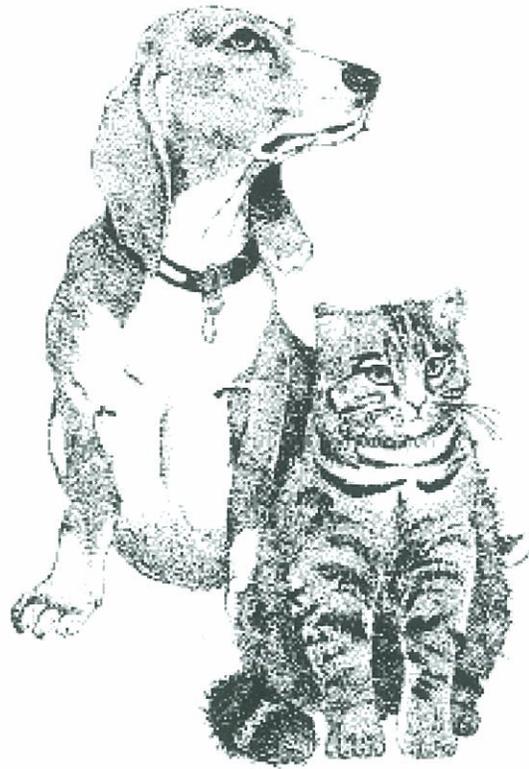
A Section 8 Housing Choice Voucher Program participant may request permission from the landlord to install accessible features into their unit at the resident's expense. HACD cannot make private landlords participating in the Housing Choice Voucher Program modify their existing units. **Grievance Policy- See Appendix I HACD Grievance Policy For Procedures**

Residents and applicants of public housing that are not satisfied with the decision on their request for reasonable accommodation may file a complaint requesting a hearing with the Office of the Executive Director who shall also serve as the ADA/504 Coordinator and who has the authority to review the requests for accommodation and offer a different determination.

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For more information on reasonable accommodation requests, residents should contact their respective district asset management and applicants should contact the Admissions and Occupancy Management at (203) 744-2500.

SERVICE ANIMALS



REASONABLE ACCOMMODATIONS – SERVICE ANIMALS

The Federal Fair Housing Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Connecticut State Law against Discrimination, and local fair housing laws require that housing owners and managers provide reasonable accommodations for applicants and residents who have disabilities. Reasonable accommodations are changes in rules, policies, practices, or services that are necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. Allowing residents who have disabilities to live with their service animals is a reasonable accommodation.

Under fair housing laws, a person is considered to be disabled if s/he has a sensory, mental or physical condition that substantially limits one or more major life activities (such as walking, seeing, hearing, working, etc.). The state law definition includes disabilities that are temporary or permanent, common or uncommon, mitigated or unmitigated. Some people have a disability-related need for service animals to assist them with the functional limitations caused by their disabilities.

WHAT IS A SERVICE ANIMAL?

Service animals assist people with disabilities to deal with the effects of their disabilities. The most common service animals are dogs, but they may be other species (cats, monkeys, birds, etc.). Service animals may be any breed, size or weight. Some, but not all, service animals wear special collars or harnesses. Service animals are not required to have special licenses, to be certified, or to have any visible identification.

NOTE: In some situations, a person with a disability may require more than one service animal, where each animal provides a different type of assistance. For example, an individual may need both a hearing dog and a seizure alert animal.

HOW DO FEDERAL, STATE AND LOCAL FAIR HOUSING LAWS DEFINE SERVICE ANIMALS?

- HUD compliance guidelines define assistive animals as “animals that serve as a reasonable accommodation for persons with disabilities by assisting those individuals in some identifiable way by making it possible for them to make more effective use of their housing.”
- The ADA defines a service animal as "any animal that is individually trained to do work or perform tasks for the benefit of a person with a disability."
- The Connecticut Law against Discrimination defines "service animal" as an animal that is trained for the purpose of assisting or accommodating a person's sensory, mental, or physical disability. Under state law, "dog guide" is a dog that is trained to guide a blind person or a dog that is trained to assist a person with a hearing disability.

WHAT DO SERVICE ANIMALS DO?

Service animals perform various tasks and provide services for people with disabilities, who can train their own service animals. Here are some examples:

- **Guide** – serves as a travel aide for a person who is legally blind.
- **Hearing or signal** – alerts a person with hearing loss or deafness when a sound occurs, such as an alarm or a knock on the door.
- **Mobility assistance** – helps a person who has a mobility or health disability. They may carry, fetch, open doors, ring doorbells, activate elevator buttons, pull a wheelchair, steady a person while walking, help someone get up after a fall, etc.
- **Seizure response** – warns a person of an impending seizure, or provides aid during a seizure, such as going for help or standing guard over the person.
- **Therapeutic assistance** – aids people with cognitive or psychological disabilities, allowing them to live more independently. These animals may bring an emergency phone during a crisis, call 911 or the suicide hotline, turn on the lights in a dark room, bring medications, bark for help in an emergency, assist a person with panic disorder in coping with crowds, etc.

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SERVICE ANIMAL POLICY – GUIDELINES FOR STAFF REASONABLE ACCOMMODATION PROCESS

When an applicant or resident with a disability makes an accommodation request, housing management will consider the request promptly, and grant it when reasonable. When someone inquires about living with a service animal, follow our reasonable accommodations policy.

DETERMINE WHETHER YOU NEED VERIFICATION

- If the person's disability is obvious or otherwise known to you, and if the need for the service animal is also apparent, do not request any additional information about the disability or the need for the accommodation. For example, a blind person with a guide dog does not need to verify his disability or need for the dog.
- If the disability is known, but the accommodation need is not apparent, request only information necessary to evaluate the disability-related need for the accommodation. For example, if you know a resident has depression and s/he wants to have an assistance dog, request documentation of the disability-related need for the animal.
- If neither the disability nor the need is clear, ask for proof of both. For example, if someone with no obvious disability asks to live with a service animal, request that the person document both that s/he has a disability as defined under fair housing law and that there is a disability-related need for the animal.

WHO SHOULD PROVIDE VERIFICATION

When verification of disability status or disability-related need is appropriate, you can require that the individual provide written verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's disability and the need for reasonable accommodation. Written verification should be provided by someone with sufficient knowledge and training to verify that the applicant or resident meets the fair housing definition as a person with a disability, and that there is a disability-related need for a service animal. **Remember, you cannot require someone to provide details about his or her disability.**

When someone requests to live with a service animal, management will provide a prompt written response (see sample letters).

RULES FOR SERVICE ANIMALS AND PETS

If residents are allowed to have household pets –

- you cannot charge a pet deposit or fee
- do not place limitations on the size, weight, and type of service animals
- both service animals and pets can be required to meet the same reasonable behavior rules
- you can require service dogs or cats to be licensed, if required in your municipality and if you require licensing of pets
- remember that a household may have a service animal and also pets

If the housing community has a “no pets” rule –

- you must allow service animals
- you cannot charge a pet deposit or fee
- do not place limitations on the size, weight, and type of service animals
- you can apply reasonable behavior rules to service animals
- you can require service dogs or cats to be licensed, if required in your municipality

You should charge the same general cleaning or damage deposit that is charged to all residents. A resident with a service animal is liable for any damage the animal actually causes.

ANIMAL CARE AND SUPERVISION

The resident has the responsibility to care for and supervise the service animal. The resident should retain full control of the animal at all times. This generally means that while the animal is in common areas, it should be on leash, in a carrier, or otherwise in the direct control of its owner. When around other people or animals, the service animal should be well behaved (no jumping, snarling, nipping, excessive barking). The resident is responsible for the safe removal of animal waste products

REMOVAL OF A SERVICE ANIMAL

If a service animal is unruly or disruptive (aggressively jumping, nipping, etc.), the manager may ask the resident remove the animal from a common area. If the animal’s inappropriate behavior happens repeatedly, the manager may request that the resident not bring the animal into common areas until steps have been taken to mitigate the behavior (such as refresher training), or ask that the animal be removed from the residential premises.

WHAT ABOUT OTHERS WHO ARE AFRAID OF OR ALLERGIC TO ANIMALS?

A fear of or minor allergy to dogs or other animals is not a disability, so management does not need to accommodate in those situations. In rare cases, a person's allergy may be so severe that animal contact may cause respiratory distress. In those situations, the allergic person may also request an accommodation, such as keeping the animal and the allergic person separate, as much as is possible.

SENSITIVITY AND AWARENESS

Management will ensure that staff is properly trained about service animal policies, including the following rules –

- Allow a service animal to accompany the resident at all times and everywhere in the community except where animals are prohibited for safety reasons (such as in a pool or sauna).
- Do not separate or attempt to separate a resident from the service animal.
- Do not pet or talk to a service animal when it is working – this distracts the animal from its tasks.
- Do not feed a service animal, which may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
- Do not deliberately startle a service animal or make noises at the animal (barking, whistling, etc.).
- Be aware that many people with disabilities do not care to share personal details.
- If other residents complain that they are not allowed pets and want to know why an exception was made, state that your community complies with the fair housing laws. You can also refer your residents to the community's accommodation policy.

SERVICE ANIMAL POLICY – GUIDELINES FOR RESIDENTS**REQUEST FOR A SERVICE ANIMAL ACCOMMODATION**

If you need to live with a service animal because of your disability, make a request to your landlord or manager for a reasonable accommodation. It is best to submit such requests in writing, but verbal requests are acceptable.

VERIFICATION OF YOUR DISABILITY AND NEED FOR A SERVICE ANIMAL

You may be asked to provide written verification that you have a disability and that the accommodation of a service animal is necessary to give you an equal opportunity to use and enjoy our housing community. If your landlord or manager asks for this verification, you should obtain a signed letter from your doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about your disability and your need for a reasonable accommodation. You do not have to provide details about your disability or about the specific tasks the service animal performs. (Sample letters are attached)

ANIMAL CARE AND SUPERVISION

You are responsible for the care of your service animal. You must supervise your animal and retain full control of it at all times. This means that while the animal is in common areas, it is on a leash, in a carrier, or otherwise in your direct control. When in the presence of others, the animal is expected to be well behaved (not jumping on or nipping at people, not snarling or barking, etc.).

You are responsible for the proper disposal of animal waste –

- Carry equipment to clean up your service animal's feces whenever the animal is in the common areas.
- Properly dispose of waste and/or litter.
- If you need assistance with cleanup, arrange for such help through family, friends or advocates.

PROBLEMS

If you believe rental staff is not handling your request for a service animal properly, contact Carolyn Sistrunk, Executive Director and ADA/504 Coordinator at Two Mill Ridge Road, Danbury CT., 203 744-2500.

RESOURCES & QUESTIONS

If you have any questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency listed at the end of this booklet. The agencies include:

- U.S. Department of Housing and Urban Development
- Connecticut Human Rights Commission
- City of Danbury Fair Housing Officer

Additional resources:**Americans with Disabilities Act (ADA) Information Line**

U.S. Department of Justice
800-514-0301, TTY 800-514-0383
www.ada.gov

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SAMPLE LETTER

REQUEST FOR REASONABLE ACCOMMODATION

Applicants or residents may use a letter with this type of language when requesting to live with a service animal as a reasonable accommodation. Use of this form is not required, but it is recommended that you document accommodation requests in writing.

Date: _____

To: {Name and address of landlord or manager}

I have a disability as defined by the fair housing laws. I use a service animal to assist me with the functional limitations related to my disability. My service animal enhances my ability to live independently, and to use and enjoy my dwelling fully.

Type of service animal (dog, cat, etc.): _____

As an accommodation for my disability, I request that you:

- waive your “no-pet” policy
- waive your pet weight / height restrictions
- waive your pet deposit or fees
- other: _____

I have attached a letter from my doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about my disability and my need for a reasonable accommodation. The letter verifies that I have a disability as defined in the fair housing laws, and that I have a disability-related need for a service animal.

Please advise me of your response to my request for an accommodation by {date}.

(sign letter)

Print your name, address and telephone number

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SAMPLE LETTER

REASONABLE ACCOMMODATION LETTER FROM QUALIFIED PROFESSIONAL (on letterhead)

This is a sample letter for use when supporting a request for a service animal as a reasonable accommodation. It should be submitted by a doctor or other medical professional, or other qualified third party who, in their professional capacity, is in a position to know about the resident's disability and need for a reasonable accommodation.

Date: _____

Dear {name of housing owner or manager}:

I am a {insert your professional title, such as doctor or other medical professional, or other qualified third party who has knowledge about the disability} of {name of resident}. I verify that s/he meets the definition of a disabled person under the fair housing laws.

I also verify that s/he has a disability-related need for a service animal to assist with the functional limitations relating to his/her disability. The animal needed is {a dog, cat, bird, etc.}.

Sincerely,

Name

Title

Address and telephone number

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SAMPLE LETTER

RESPONSE TO REQUEST FOR REASONABLE ACCOMMODATION

Management staff may use this type of letter when responding to a request from a resident who wants to live with a service animal.

Date: _____

Dear *{resident name}*:

We have received your request for a reasonable accommodation. We understand you want to live with a service animal in our housing community. We also received the letter from your *{service provider}* confirming that you have a disability as defined by fair housing laws and that you have a disability-related need for the animal.

We agree to your request for your service animal live in your apartment. We will waive our “no-pet” policy, waive our pet weight/height restrictions, waive our pet deposit/pet-related fees, and *{insert other agreements}*.

Our rules require residents who have animals to follow noise regulations, to dispose of animal waste properly, and to ensure that the animals do not cause property damage. As noted in your rental agreement, you will be responsible for any damage caused by your animal.

We welcome your animal to our community!

Name

Title

Address and telephone number

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INSURANCE ISSUES

Some insurance carriers refuse to cover a rental property, substantially increase the cost of coverage, or adversely change the terms of their policies if a person with a disability resides in the rental dwelling with an assistance animal that is of a breed of dog that the carrier considers dangerous.

HUD and the U.S. Department of Justice have issued a joint statement on “Reasonable Accommodations under the Fair Housing Act”. This statement notes that an accommodation is unreasonable if it imposes an undue financial and administrative burden on a housing provider's operations. If an insurance carrier would cancel, increase policy costs, or adversely change policy terms because of the presence of a certain breed of dog or a certain animal, HUD states that this imposes an undue financial and administrative burden on the housing provider.

A housing provider should substantiate any claim regarding the potential loss of or adverse change to the insurance coverage by verifying such a claim with the insurance company directly and considering whether comparable insurance, without the restriction, is available in the market. If there is evidence that an insurance provider has a policy of refusing to insure any housing that has animals, without exception for assistance animals, the insurance provider may be violating federal civil rights laws prohibiting discrimination based upon disability.

For more information, see:

- ***“Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation”***, www.fairhousing.com/include/media/pdf/insuranceguidance.pdf)
- ***“Reasonable Accommodations Under the Fair Housing Act”***, www.hud.gov/offices/fheo/library/huddojstatement.pdf

LIMITED ENGLISH PROFICIENT (LEP) PLAN

I. PLAN STATEMENT

The Housing Authority of the City of Danbury (HACD) has adopted this plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with federal guidelines the HACD will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including applicants, recipients and/or persons eligible for public housing, Section 8/Housing Choice Vouchers, Homeownership and other HACD programs.

II. MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. The PHA will periodically assess and update the following four-factor analysis, including but not limited to:

1. the number or proportion of LEP persons eligible to be served or likely to be encountered by the HACD.
2. The frequency with which with LEP persons using a particular language come into contact with the HACD.
3. The nature and importance of the HACD program, activity or service to the person's life.
4. The HACD's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

III. LANGUAGE ASSISTANCE

1. A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to HACD programs and activities.
2. Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language; and/or translation, which means the written transfer of a message from one language into another language. The HACD will determine when interpretation and/or translation are needed and are reasonable.
3. HACD staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance and the HACD determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, the HACD will make reasonable efforts to provide free language assistance. If reasonably possible the HACD will provide the language assistance in the LEP client's preferred language. The HACD has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide

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meaningful access. The HACD will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of clients.

4. Translation of Documents

- a. The HACD will weigh the costs and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in an LEP group and other relevant factors. The HACD will undertake this examination when an eligible LEP group constitutes 5 percent of an eligible client group (for example, 5 percent of households living in the HACD's public housing) or 1,000 persons, whichever is less.
- b. If the HACD determines that translation is necessary and appropriate, the HACD will translate the public housing lease and selected mailings and documents of vital importance into that language.
- c. As opportunities arise, the HACD may work with other housing authorities to share the costs of translating common documents, which may include language groups which do not (yet) reach the threshold level in the HACD's client population.
- d. HUD should provide prototype translations of standard housing documents in multiple languages in a timely fashion. HUD should provide this service to local housing authorities and the hundreds or thousands of other HUD grantees whose limited resources hinder their LEP efforts.
- e. The HACD will consider technological aids such as Internet-based translation services which may provide helpful, although perhaps not authoritative, translations of written materials.

5. Audiovisual Materials

- a. The HACD will use reasonable efforts to produce or obtain multiple translations of audiovisual materials it uses to inform or educate applicants, residents and other client groups. For example, the training video on housekeeping produced by HACD staff has two (2) language options.
- b. The HACD will make such materials available for purchase by housing agencies and other organizations, to assist them in their LEP efforts.

6. Formal Interpreters

- a. When necessary to provide meaningful access for LEP clients, the HACD will provide qualified interpreters, including HACD bilingual staff. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.
- b. The HACD may require a formal interpreter to certify to the following:
 - i. The interpreter understood the matter communicated and rendered a competent interpretation.
 - ii. The interpreter is covered by the Connecticut Government Data Practices Act and will not disclose non-public data without written authorization from the client.

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- c. Formal interpreters shall be used at the following:
 - i. Formal hearing for denial of admission to public housing;
 - ii. Informal settlement conferences and formal hearing for termination of public housing;
 - iii. Hearings or conferences concerning denial or termination of Housing Choice Voucher (Section 8) participation.
- d. A HACD staff interpreter may not be a subordinate to the person making the decision.
- e. The HACD maintains a list of qualified, bilingual employees who have applied for, and tested for proficiency in languages used by clients. Those employees receive additional compensation for demonstrating non-English language proficiency and can provide limited assistance to HACD staff and LEP clients as part of their regular job duties.

7. Informal Interpreters

- a. Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP client. HACD staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.
- b. An LEP person may use an informal interpreter of their own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the HACD. If possible, the HACD should accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter.
- c. If an LEP client prefers an informal interpreter, after the HACD has offered free interpreter services, the informal interpreter may interpret. In these cases the client and interpreter should sign a waiver of free interpreter services.
- d. If an LEP client wants to use their own informal interpreter, the HACD reserves the right to also have a formal interpreter present.

8. Outside Resources

- a. Outside resources may include community volunteers, HACD residents or Housing Choice Voucher/Section 8 participants.
- b. Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.

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- c. The HACD maintains relationships with local organizations that assist specific cultural and ethnic groups living in Danbury. To help their clients obtain or keep housing assistance through the HACD, these organizations may provide qualified interpreters for LEP persons.

VI. MONITORING

1. The HACD will review and revise this LEP Plan from time to time. The review will include:
2. Reports from the HACD's computer business systems on the number of HACD clients who are LEP, to the extent that the software and staff data entry can provide such information. Such reports may be supplemented by staff observations.
3. Reports from the computer business systems and other sources listing the languages used by LEP clients.
4. A determination as to whether 5 percent or 1,000 persons from a HACD client group speak a specific language, which triggers consideration of document translation needs as described above.
5. Analysis of staff requests for contract interpreters: number of requests, languages requested costs, etc.
6. The Resident Advisory Board (RAB) will be asked to review the LEP Plan annually as part of updating the Agency Plan.

VII. LEP PLAN DISTRIBUTION AND TRAINING

The LEP Plan will be:

1. Distributed to all HACD employees.
2. Available in HACD Management Offices and the Rental Office/Section 8 Office.
3. Posted on HACD's website, www.hacdct.org
4. Explained in orientation and training sessions for supervisors and other staff who need to communicate with LEP clients.

Compliance with the Violence Against Women's Act (VAWA)**Domestic Violence:**

In accordance with the Violence Against Women and Justice Department Reauthorization Act, the Authority has adopted a preference that recognizes and protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. The Authority has also adopted an admission preference for individuals that are residing in a situation of domestic violence and that are displaced as a result of their situation. The family must provide evidence that documents the domestic violence by providing a police report that verifies their claim. The following also applies:

- The domestic violence must be recent and individual must provide evidence of an established pattern either by utilizing HUD Form 50066, Certification of Domestic Violence, Dating Violence, or Stalking or local police record or court record, documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance.
- Must provide evidence of an established relationship along with a lease agreement
- confirming co-habitation.
- The family must agree to sign a restraining order against the offender.
- The family must certify that the person who resides with them that engages in such domestic violence will not reside with the family upon placement. If the family is admitted the Authority may deny or terminate assistance to the family for breach of this certification.
- The family will be required to sign a document stating they will not release the location of their new residence to the party responsible for the abuse and threats. If the family is determined eligible for the aforementioned "Domestic Violence Preference" and is housed, the family will not be eligible for a transfer into another Authority unit if it is determined that the family was responsible for the release of their whereabouts to the offender, as it will result in a financial burden to the Authority. A current family in residence with the Authority will only be entitled to one transfer.

Furthermore, the Authority will not evict a tenant for criminal activity relating to verified incidents of actual or threatened domestic violence, dating violence, or stalking. The Authority may request a tenant under such threat of eviction to certify that the incidents in question are bona fide incidents of abuse by producing either (1) a Federal, State, tribal, territorial, or local police or court record or (2) a sworn statement, also signed by the tenant, from (a) a victim service provider; (b) an attorney; or (c) a medical professional verifying the validity of the incidents. If the certification is not received by the Authority within 14 days, the Authority may proceed with the eviction. The Authority,

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however, has the discretion of extending the 14-day period. All information provided to the Authority in such certification shall be retained in confidence, except to the extent disclosure is

(i) requested or consented to by the tenant in writing; (ii) required for use in an eviction proceeding; or (iii) otherwise required by applicable law. If it is verified that the tenant is a victim of actual or threatened domestic violence, dating violence, or stalking engaged in by a member of the tenant's household, or any guest or other person under the tenant's control, the Authority may bifurcate the lease in order to evict only the tenant or lawful occupant engaging in these criminal acts, without evicting or otherwise penalizing the victim who is also a tenant or lawful occupant.

STATEMENT OF HOUSING NEEDS

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Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Over all	Affor d- abilit y	Supp ly	Quali ty	Acce ss- ibilit y	Size	Locati on
Income <= 30% of AMI	1988	5	5	3	5	5	5
Income >30% but <=50% of AMI	1577	5	4	3	4	5	5
Income >50% but <80% of AMI	484	5	3	3	4	4	4
Elderly	1534	5	4	3	4	3	3
Families with Disabilities	N/A						
Race/Ethnicity	N/A						
Race/Ethnicity	N/A						
Race/Ethnicity	N/A						
Race/Ethnicity	N/A						

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STATEMENT OF HOUSING NEEDS ANALYSIS (CITY OF DANBURY ANNUAL UPDATE TO 2003-2008 CONSOLIDATED PLAN)

The city of Danbury is a small city in geographic area and in population. It is 42 square miles and, according to the 2005 CERC has a population of 78,641, (1,867 Pop/Sq Mile). The population is 49.3% male and 50.7% female. It is a young city, with a median age of 37. The population is largely white 74.1, with 40.5% Hispanic/Latino, 6.0% Black/African American, 17.8% white, 0.1% Asian and 4.1% "other".

Education levels are high in Danbury. 29% of residents 25 years and older do have a high school degree or GED, compared to 28% in Connecticut as a whole. 27% of Danbury's population has a bachelor's degree as compared to 31.4% in Connecticut. Danbury has a high school graduation rate of 56.9%.

Income levels are high in Danbury. Median family income is \$59,107, mean family income is \$37,978, and per capita income is \$13,428. The percentage of individuals living below the poverty level is 8.0%, which equates to 6500 persons.

Although Whites remain the predominant racial group in Danbury, the proportion of non whites and Hispanics/Latinos has grown rapidly in recent years See Table 1 . In 1990, whites constituted over 87% of the total population, a drop from 91% a decade earlier as contrasted to 74.1 5 in 2005.

The rate of increase among different minority groups varies considerably. During the 1980's, The Asian and Pacific Islander population quadrupled jumping from 601 in 1980 to 2393 ten years later and 5236 in 2005 an amount that accounts for 35% of the increase in population over this period.

Concurrently, the African American population increased over 27% during the 1980's and represent 6% of Danbury population. Beginning in the 1990's, the racial composition of the City was moderately redistributed. The number of White, Non-Hispanic persons declined by 5.6%, while the minority populations, including Black, Hispanic, and Asian/Pacific Islanders, grew. In 2000, White Non-Hispanics comprised 68.1 % of the population, Black Non-Hispanics 6.3%, Hispanics 15.8%, and Asia & Pacific Islanders 5.5%. Native Americans represented less than one percent of the population. The greatest growth from 1990-2000 occurred among the "Other" population, which grew by 467.9%, followed by the Hispanic population with an increase of 145.1%.

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TABLE 1 RACIAL DEMOGRAPHICS

Population	Town	County	State
1990	65,585	827,645	3,287,116
2000	74,848	882,567	3,405,565
2005	78,641	909,263	3,287,116
2010	82,132	933,729	3,656,299
05-10 Growth / Yr	0.9%	0.5%	0.7%
Race/Ethnicity (2005)	Town	County	State
White	58,342 74.1	708,206	2,858,875
African American	5,285 6.5	88,379	318,835
Asian Pacific	5,326 6.5	38,839	17,997
Native American	334	2,792	14,298
Hispanic (any race)	13,795 17.5	122,324	370,958
Other/Multi Race	9,354	71,047	224,275

ANALYSIS OF HOUSING NEEDS FOR THE MINORITY POPULATION IN THE CITY OF DANBURY

Of the 9,024 renter households in the City of Danbury in 1990, 37% indicated that their rent exceeded 30% of their income. Fourteen percent of the specified renter households paid more than 50% of their household income for housing costs at that time. The 2000 Census reported a total of 27,181 occupied units, of which 41.7% or 11,334 are renter occupied. Of these, 32.9% pay more than 30% of their household income for rent, and 13.7% pay more than 50% of their household income for rent.

24% of all renter households in Danbury are minority and generally absorb a disproportionate amount of the rental housing cost burden in the City, due to a higher likelihood of low or very low family incomes. 63.5% of all minority-headed renter households reported housing problems with supply and affordability.

83.5% of those with incomes below 30% of the Area Median Income (“AMI”) have related affordable housing problems. For those households with incomes between 31% and 50% of the AMI, the housing cost problem actually increases to 87.7% of these households. 66.3% of those households with incomes between 51% and 80% of the AMI still experienced housing problems. Overall, Hispanic households experienced housing problems at a higher rate than African American, although Black households with incomes between 31% and 80% of the AMI generally reported more housing problems than their Hispanic counterparts.

The Black population is fairly evenly distributed across the City of Danbury, with only one Census tract, Tract 2111, having a substantial concentration of Black residents. The Hispanic population is more concentrated than the Black population, comprising substantial portions of the total population in Census tracts 2101, 2102, 2107 and 2111. Tract 2101 also has a high concentration of “other race” and multiracial residents, and Tract 2102 has a high concentration of multiracial residents as well.

Persons of very low income face an imbalance between capacity to sustain safe and decent housing and the actual cost and availability of housing under current and projected market conditions. Again, factors which contribute to such an extreme gap, in being able to provide affordable housing to households of low income, include high cost and short supply of available land for development; shortage of new housing stock affordable to such families and, shortage of funds available to assist those in need. For example, the downtown area of Danbury is very densely populated and contains its major concentration of racial/ethnic minorities and low and moderate-income persons.

The need to diffuse racial and economic impact throughout the region is obvious. Danbury has traditionally accepted the responsibility for providing the majority of subsidized units for the region’s need. While representing only 13% of the region’s land, Danbury accounts for approximately 69% of the subsidized units (using 2002 data provided by the State of Connecticut Department of Economic and Community Development). According to recently released 2000 Census data, 24% of Danbury’s

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population is non-white. While no other town exceeds 7.6% (Bethel), Danbury is home to roughly 73% of all non-white people living in the region.

In summary, the above indicated that the following minority needs:

1. high cost
2. and short supply of available land for development;
3. shortage of new housing stock affordable to such families and,
4. shortage of funds available to assist those in need.

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ANALYSIS OF HOUSING NEEDS FOR THE SPECIAL POPULATION IN THE CITY OF DANBURY

There are several segments of Danbury's population which have special needs affecting their lives on a daily basis. These include the frail elderly, severely mentally ill, developmentally disabled, and physically disabled and persons with AIDS and related diseases.

- **Frail Elderly** - To determine the estimated number of frail elderly within Danbury , national averages as to the percent of elderly population by age category with at least one Limitation to Activities of Daily Living (ADL) were applied to the City's elderly population figures. Assuming that poor frail elderly have a greater need for public assistance than higher income elderly, a national percentage for elderly households with very low incomes (VLI) was applied to the number of frail elderly in the various age categories. This methodology estimates that Danbury has 384 frail elderly and 384 frail elderly potentially needing supportive housing.
- **Severely Mentally Ill** - According to the most general national estimate, one percent (1%) of the adult population meets a definition of severe mental illness. Applying this estimate to Danbury's 58,000 persons 18 years of age and older results in an estimate of 580 individuals with severe mental illness. A further estimate, provided by HUD is that approximately 9% of patients entering a state mental hospitals are either homeless or in potential danger of being homeless. Although it is difficult to make a prediction based upon Danbury's mentally ill population estimate, by applying this 9% figure to the 580 individuals it can be assumed that approximately 54 severely mentally ill persons are either homeless or threatened with homelessness and may need supportive housing.
- **Developmentally Disabled** - The nationally accepted percentage of the population, which can be categorized as developmentally disabled, is 1 to 3%, as published by the Association for Retarded Citizens (ARC). This standard would result in an estimate between 780 and 2100 persons in Danbury are developmentally disabled.
- **Physically Disabled** - The 2000 Census counted 19000 persons with a disability in Danbury.

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2,769 were over 65 years of age and 4,841 were between the ages of 21 to 64.

- **Persons with AIDS and Related Diseases** – The State Department of Health reports 79 AIDS/HIV cases.

Elderly Households of 1 and 2 members represent the most expanding need group. For many seniors, fixed incomes and high housing and medical costs are resulting in a struggle for economic survival. The elderly also lack social and economic opportunities. Elderly households earning 0-95% of the MEI comprise 20.8% of the total household population, 23% of the owner-occupied households and 17% of the City's total renter population. Among the elderly households (not including those earning greater than 95% of the median household income), problems/cost burden are present in significant numbers except among those moderate-income renters and owners.

Housing stock, suitable and/or adaptable to the elderly/disability community exists, but at extremely high cost. Both rental and ownership housing is very difficult to provide to Very Low Income (VLI) elderly and persons with disabilities without extremely deep subsidies. With the exception of the Housing Authority, these subsidies do not typically exist. The limited resources to fill the gap between OLI household incomes and housing values in Danbury will inhibit significant advances in meeting the statistical need or demand for OLI or VLI households, elderly or for persons with disabilities.

While most of the housing needs in the city of Danbury are met by the private sector, problems relating to the housing of selected age and income group remains. Major objectives of the Housing Authority of the City of Danbury include

1. The protection of existing housing stock from deterioration.
2. An expansion of supply of affordable housing specifically 1 and 2 bedrooms.
3. Support Services for the disabled and elderly and homeless.

**HACD'S STRATEGY TO REMOVED BARRIERS TO FAIR HOUSING OPPORTUNITIES IN
THE CITY OF DANBURY**

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I. AFFORDABILITY

- The Housing Authority of the City of Danbury assists the city in providing housing choice opportunity to low income families with a stock of 802 Housing Choice Vouchers, 33 Shelter Plus Care Certificates and approximately 300 State Vouchers and Rental Assistance Certificates. Included in those numbers are 10 Homeownership Vouchers used for disabled individuals to purchase their own home. The number of homeownership opportunities using Housing Choice Vouchers is expected to rise in 2007. The Housing Choice Voucher program constantly monitors the rent amounts charged by private owners to ensure that reasonable rents are being charged. A system of rent comparables compiled in a private market study is used to determine the reasonable rental amounts. Owners are not permitted to charge program participants unreasonable rents.
- Programs designed to promote Home Ownership of our residents are administered in accordance with funding guidelines. These programs allow residents to pay below income-based rents and provides opportunities for savings towards homeownership:
 - Flat Rents – encourages self-sufficiency and avoids creating disincentives for continued residence for families who are attempting to become economically self-sufficient.
 - Section 8 Homeownership Vouchers – subsidizes the mortgage payments for qualified families over a specified period which allows them to qualify for loans and provides support while income rises to levels that promote independency.

II. SECURITY DEPOSITS

- The Housing Authority provides annual contributions and referrals to the established non-profit organizations that aide in funding security deposits.
- The Housing Authority has worked to form a relationship with outside agencies such as the Key Rings program, which provides assistance with rental security deposits and TBICO that help with budgeting and planning. Referrals are also made to agencies such as CACD to help with overdue rental payment. Brochures are handed out to Housing Authority clients during orientations and referrals are made to the programs if necessary.

III. UNSAFE CONDITIONS/SUBSTANDARD HOUSING

- Capital Needs for Housing Authority properties are accessed annually for development of a five year plan. Prioritization of projects is based on Health/ Safety and property condition based on funding availability.
- The Housing Authority Section 8 Department strictly enforces Housing Quality Standards (HQS) through initial, annual and special inspections. Owners and tenants are required to maintain minimum HQS to continue receiving assistance. If a unit does not meet minimum standards the owners is put into abatement meaning Housing Assistance Payments are discontinued and the tenant is issued a voucher to locate a new unit. Quality Control inspections are conducted by a Manager and a trained inspector to ensure that inspections are being conducted properly and accurately.

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- The Housing Authority conducts annual property inspections, as well as regular unit and systems inspections, to ensure compliance with building codes and resident lease compliance regarding maintenance and occupancy.

IV NEIGHBORHOODS IN NEED OF IMPROVEMENTS AND STABILITY

- Work with neighborhood organizations and city officials to clean-up properties and eliminate blight. Also, programs are embarked upon to maintain curb appeal and promote neighborhood pride.
- Cooperatives between the Police Department and the Housing Authority have enhanced the safety of our properties. We will continue these efforts and strive to enhance programs where opportunities are presented.

V MINORITY AND LOW INCOME CONCENTRATIONS IN CENTRAL CITY CENSUS TRACTS RESULTING FROM HISTORICAL FACTORS AND NEW MIGRATION

- The Housing Authority's dedication to the improvement of minority and low income concentration is reflected in our workforce, 80% of which are minority and low income employees. In addition the Housing Authority as a matter of policy, posts all position vacancy announcements at all of its property sites to encourage residents to apply. This has resulted in the employment of many residents.
- The Section 8 Department works to decrease minority and poverty concentrations within census tracts. Maps of the Housing Authority's jurisdictions showing the areas of concentration are handed out to clients along with a description of the deconcentration efforts. Areas of low poverty and minority concentration are also shown on the maps along with information and services within the areas. Owner outreach seminars are conducted and marketed to include owners with rental units outside of the concentrated census tracts.
- The Section 8 program is administered on a regional basis thus providing participants with greater options for choosing sites.

VI CREDIT AND FINANCIAL MANAGEMENT PROBLEMS ON PART OF OWNERS AND RENTERS

- Continued efforts through Section 8 Voucher and Homeownership programs provide education and guidance to potential participants.
- On an on-going basis, residents identified to be in need of financial management services are referred to local community organizations which provide such assistance.

VII ELDERLY HOUSING NEEDS; INCLUDING UNDER-UTILIZED LARGER HOMES OCCUPIED BY EMPTY-NESTERS

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- Form collaboratives in the community to explore opportunities to convert existing available buildings to affordable homeownership for elderly and veterans.

VIII MORTGAGE AND AFFIRMATIVE LENDING ISSUES

- See VI above

IX DISCRIMINATION AND AFFIRMATIVE MARKETING ISSUES IN THE SALE OR RENTAL OF HOUSING INSURING EQUAL HOUSING ACCESS.

- Fair housing pamphlets describing discrimination and the proper procedure and contacts are provided. The Housing Authority makes every effort to make clients aware of their options and connect our clients with the proper agencies.
- The HACD staff is also aware of Connecticut security deposit laws and advised clients and owners through information sheets and referrals to legal services and the Security Deposit Investigator State Banking Department.

X BARRIERS AFFECTING SPECIAL NEEDS GROUPS: IMMIGRANT POPULATIONS, SPECIAL NEEDS AND SUPPORTIVE HOUSING

- The Housing Authority has various programs targeted at elderly and disabled populations. The Shelter Plus Care certificates are utilized to help end homelessness. The certificates are aimed at serving homeless individuals and combined with the supportive services provided by agency's such as the Greater Danbury Mental Health Authority and Connecticut Outreach West have helped to remove many individuals from homelessness and on to self sufficiency and stability.
- Members of the Housing Authority Staff participate on Community Boards and Panels which address Homelessness and Housing issues throughout the Community and Region. These include but not limited to Mayor's Taskforce to End Homelessness, United Way of Northern Fairfield County and the Greater Danbury Continuum of Care.

APPENDIX G
GLOSSARY OF TERMS

ADJUSTED INCOME. Annual Income minus applicable allowances.

For federally-assisted housing, as defined in 24 CFR Part 5.

ALLOWANCE FOR DEPENDENTS

For federal housing, a \$480 deduction for each family member who is a dependent (See definition of Dependent below). For State moderate rental the dependent deduction is \$750.

ADULT

A person, 18 years of age or older, or an emancipated minor whom the members of the family have routinely looked to as the head of the family, and who is legally competent to sign a binding agreement.

ALLOWANCE FOR DISABILITY (HANDICAP) ASSISTANCE EXPENSES

The amount of Disability Assistance Expense in excess of three percent (3%) of annual income which enables a family member (including the handicapped or disabled person) to work. The allowance may not exceed the annual income earned by the family member who is enabled to work. Disability assistance expenses include costs for care attendants and auxiliary apparatus (e.g., wheelchairs, adaptations, to vehicles, special equipment) if directly related to permitting the handicapped person or other family members to work.

ALLOWANCE FOR MEDICAL EXPENSES

For elderly families or disabled or families living in state moderate housing only qualify for the amount of unreimbursed medical expenses (see definition of Medical Expenses below) in excess of three percent (3%) of annual income.

ANNUAL INCOME

1. Annual income is the anticipated total 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 derived from assets for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporarily non-recurring or sporadic. Annual income includes, but is not limited to:
 - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

- b. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family.
- c. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. All allowance for depreciation is permitted only as authorized in paragraph 1b of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets exceeds \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate, as determined by HUD or state regulations as applicable.
- d. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amount for the delayed start of a periodic payment (except as provided in 2n below).
- e. Payments in lieu of earnings such as unemployment and disability compensation, worker's compensation and severance pay.
- f. Periodic and determinable income or allowances, such as alimony and child support payments and regular contributions, lottery winnings, or gifts received from persons not residing in the dwelling.
- g. All regular pay, special pay allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family or spouse (but see 2g below).
- h. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments qualify as assistance under the TANF program definition at 45CFR 260.31; and are not otherwise excluded under Paragraph 2 of this section.

If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; **plus** the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount

calculated under this paragraph shall be the amount resulting from one application of the percentage.

- i. The income of temporarily absent family members is counted in the calculation of annual income regardless of the amount the absent member contributes to the household.

If a family member is permanently absent from the household (such as a spouse who is in a nursing home), the head of household has the choice of either:

- counting that person as a member of the household (and including income attributable to that person as household income), or
- specifying that the person is no longer a member of the household.

2. Income Exclusions

Annual income does not include the following:

- a. Income from employment of children (including foster children) under the age of 18 years;
- b. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
- c. Lump-sum additions to family assets, such as inheritances, lottery winnings, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in 1e above);
- d. Amounts received by the Family that are specifically for, or in reimbursement of, the cost of Medical Expenses for any family member;
- e. Income of a live-in aide as defined in 24 CFR 5.403;
- f. The full amount of student financial assistance paid directly to the student or to the educational institution;
- g. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- h. Other amounts including:
 - (i) Amounts received under training programs funded by HUD;
 - (ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

- (iii) Amounts received by a tenant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program; or
- (iv) A resident service stipend: this is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for HACD, on a part-time basis, that enhances the quality of life in public housing. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; or
- (v) Incremental earnings and benefits to any family member resulting from participation in qualifying State or local employment training programs (including training programs not affiliated with the local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- j. Temporary, non-recurring or sporadic income (including gifts);
- k. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- l. For federally-assisted housing, earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- m. Adoption assistance payments in excess of \$480 per adopted child;
- n. The earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, state or local law during the exclusion period;

For the purposes of this paragraph, the following definitions apply:

- (i) Comparable Federal State or local law means a program providing employment training and supportive services that (1) is authorized by a Federal, State or local law; (2) is funded by the Federal, State or local government, (3) is operated or administered by a public agency; (4) has as its objective to assist participants in acquiring employment skills.
- (ii) Exclusion period refers to the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.

- (iii) Earnings and benefits refers to the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
- n. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- o. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- p. Amounts paid by a State Agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- q. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following is a list of incomes that qualify for that exclusion:
 - (i) The value of the allotment provided to an eligible household under Food Stamp Act of 1977;
 - (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, Youthful Offender Incarceration Alternatives, Senior Companions);
 - (iii) Payments received under Alaska Native Claims Settlement Act;
 - (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes;
 - (v) Payments or allowances made under department of Health and Human Services' Low-Income Energy Assistance Program;
 - (vi) Payments received under programs funded in whole or in part under the Job Training Partnership Act;
 - (vii) Income derived from the disposition of funds of Grant River Band of Ottawa Indians;
 - (viii) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Grant of Claims or from funds held in trust for an Indian tribe by the Secretary of Interior;
 - (ix) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the BIA student assistance programs. These are made available to cover the cost of tuition, fees, books, equipment, materials, supplies, transportation and miscellaneous personal expenses of a student or an educational

institution;

- (x) Payments received from programs funded under Title V of the Older Americans Act of 1965;
- (xi) Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, MDL No. 381 (E.D.N.Y.)
- (xii) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-426, 94 Stat. 1785).
- (xiii) The value of any childcare provided or reimbursed for under the Childcare and Development Block Grant Act of 1990.
- (xiv) Earned income tax credit.

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for shorter periods may be annualized, subject to redetermination at the end of the shorter period.

Any family receiving the reparation payments referred to in paragraph 2j of this section that has been requested to repay assistance under this chapter as a result of receipt of such payments shall not be required to make further repayments on or after April 23, 1993.

APPLICANT

An applicant is a Family who is seeking assistance through the Public Housing Program and who does not yet have a fully executed lease agreement with HACD.

APPLICATION FOR ADMISSION

The written form that is signed and dated by all adult members of the family and which includes information HACD needs to determine whether the family can be admitted. The format for this basic information will be developed by HACD.

ASSETS

The values of (or equity) in the real property, stocks, bonds, checking and savings accounts or certificates, stocks or merchandise or valuables and other forms of capital investments (Not including personal and household belongings and automobiles). Assets shall include any asset disposed of at less than fair market value within the last two years.

Assets shall included the following:

- a. Any asset disposed of at less than fair market value within the last two years;
- b. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use

- the average 6-month balance;
- c. Cash value of revocable trusts available to the applicant;
 - d. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., broker fees) that would be incurred in selling the asset;
 - e. Cash value of stocks, bonds, treasury bills, certificates of deposit and money market accounts;
 - f. Individual retirement and Keogh accounts (even though withdrawal would result in a penalty);
 - g. Retirement and pension funds;
 - h. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy);
 - i. Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc;
 - j. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments;
 - k. Mortgages or deeds of trust held by an applicant.

Assets shall exclude the following:

- a. Necessary personal property, except as noted in number 8 of Inclusions, such as clothing, furniture, cars and vehicles specially equipped for persons with disabilities;
- b. Interest in Indian trust lands;
- c. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset;
- d. Equity in cooperatives in which the family lives;
- e. Assets not accessible to and that provide no income for the applicant;
- f. Term life insurance policies (i.e., where there is no cash value);
- g. Assets that are part of an active business. "Business" does not include rental of properties that are held as an investment and not a main occupation.

CHILDCARE EXPENSES

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period of which annual income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his/her education. A childcare deduction will not be allowed if an adult family member is capable and available to provide the childcare. The amount deducted shall reflect reasonable charges for childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment and only to the extent such amounts are not reimbursed.

CITIZEN

A citizen or national of the United States.

DATING VIOLENCE:

Violence committed by a person:

- a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

DEPENDENT

A member of the family household (excluding foster children, head of household, or spouse) who is under 18 years of age or is a disabled person or is a full-time student.

DISABLED PERSON

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 600 1(7) which defines a developmental disability.

Section 223 of the Social Security Act defines disability as:

“(a) the inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or (b) in the case of an individual who has attained the age of 55 and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring the skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time.”

Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) defines a developmental disability as:

"severe chronic disability that (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age 22; (c) is likely to continue indefinitely; (d) results in substantial functional limitations in three or more of the following areas of major life activity: (1) self-care, (2) receptive and responsive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and (e) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are of lifelong extended duration and are individually planned and coordinated."

DISPLACED FAMILY

A family in which each member, or whose sole member, is a person displaced by governmental actions or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws.

DOMESTIC VIOLENCE

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitated with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

DRUG-RELATED CRIMINAL ACTIVITY

The illegal manufacture, sale, or distribution, or the possession with the intent to manufacture, sell, or distribute, of a controlled substance (as defined in Section 102 of the Controlled Substance Act, 21 U.S.C. 802); or the illegal use, or possession for personal use, of a controlled substance.

ELDERLY HOUSEHOLD DEDUCTION

Applies to HACD federal public housing only. Is defined as any household in which the head or spouse (or sole member) is at least 62 years of age or disabled. The \$400 deduction is per family.

ELDERLY FAMILY

A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

ELDERLY PERSON

A person who is at least 62 years of age.

EVICTION

The dispossession of the tenant from an apartment as a result of the termination of the lease, for serious or repeated violation of material terms of the lease such as failure to make payments due under the lease or to fulfill the tenant obligations set forth in HUD regulations, Federal, and state law, or for other good cause.

EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

The documents required of family member claiming U.S. citizenship or eligible immigration status.

EXTREMELY LOW INCOME FAMILY

A family receiving income at or below 30% of the median annual income for their area.

FAMILY

Family includes but is not limited to:

- a. Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or have evidence of a stable relationship;
- b. An elderly person;
- c. A near-elderly person;
- d. A disabled person;
- e. A displaced person;
- f. The remaining adult member of a tenant family; and
- g. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

FOSTER-CARE PAYMENT

Payment to eligible households by state, local or private agencies for the care of a child placed in the home by an agency.

FULL-TIME STUDENT

A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

HACD

Housing Authority of the City of Danbury

HEAD OF HOUSEHOLD

An adult, 18 years of age or older, or an emancipated minor under the age of 18 years, whom the members of the family have routinely looked to as the head of the family, and who is legally competent to sign a binding contract.

HUD

The U.S. Department of Housing and Urban Development or its designee.

INDEPENDENT STUDENT

To be classified as an independent student, the student must meet the Independent Student definition for Title IV aid. The student must meet one or more of the following criteria:

1. Be at least 24 years old by December 31 of the award year for which aid is sought;
2. Be an orphan or a ward of the court through the age of 18;
3. Be a veteran of the U.S. Armed Forces;
4. Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
5. Be a graduate or professional student; or
6. Be married.

INS

U.S. Immigration and Naturalization Service.

LEASE

A written agreement between HACD and an eligible family for the leasing of a public housing unit.

LIVE-IN-AIDE

A person who resides with one or more elderly persons or near-elderly persons, or persons with disabilities, and who:

- a. Is determined by HACD to be essential to the care and well-being of the person(s);
- b. Is not obligated for support of the person(s); and
- c. Would not be living in the unit except to provide necessary supportive services. A live-in aide does not qualify as the remaining member of a tenant family.

LOWER INCOME FAMILY

A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD.

LUMP SUM BENEFIT

A payment of periodic benefits for a previous period which may be included as income, not including Social Security and Social Security lump sum benefits. Only that portion of the payment attributable to the time the tenant resided continuously under the Public Housing Program may be counted as income.

MEDICAL EXPENSES

For purposes of income determination for federal elderly or disabled families and all families residing in state programs, medical expense in excess of 3% of total family income which are anticipated to be incurred during the period for which the annual income is computed, where these expenses are not compensated for, or covered by insurance. Medical expenses include such items as medical insurance premiums, dental expenses, prescription and nonprescription medicines, etc.

MINIMUM RENT

The minimum amount of tenant rent, minus any utility reimbursement. HACD has established the minimum rent at \$50.00.

MINOR

A person less than eighteen years of age.

MIXED FAMILY

A family whose members include both citizens/eligible immigrants and noncitizens with ineligible immigration status.

NATIONAL

A person who owes permanent allegiance to the U.S. as the result of birth in a U.S. territory or possession.

NEAR-ELDERLY FAMILY

A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age (or 55 years of age for state elderly housing) but below the age of 62, living together or one or more persons who are at least 50 years of age (or 55 years of age for state elderly housing) but below the age of 62 living with one or more live-in aides.

NEAR-ELDERLY PERSON

A person who is at least 50 years of age but below the age of 62, who may be a person with a

disability.

NET FAMILY ASSETS

Value of equity in real property, savings, stock, bonds, life insurance policies, and other forms of capital investment, excluding interests in Indian trust land (Excluding the value of necessary items of personal property such as furniture and automobiles).

In cases where a trust fund had been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.

In determining the Net Family Assets, HACD shall include the value of any assets greater than one thousand dollars (\$1000) which were disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of any consideration received for the asset.

NON-CITIZEN

A person who is neither a citizen nor national.

OVERHOUSED

A tenant family with a greater number of bedrooms than required for family members, according to the standards set forth in Chapter V of this policy.

PROGRAMS ESTABLISHED UNDER THE UNITED STATES HOUSING ACT OF 1937

1. The Public Housing program or Indian Housing program;
2. Any program operated as part of the Section 8 program;
3. The Section 23 Leased Housing program.

RECOVERING ADDICT

A person that: 1) has completed a supervised drug rehabilitation program and is not currently engaged in the illegal use of a controlled substance; or has otherwise successfully been rehabilitated and not currently illegally using drugs; or, 2) is involved in a supervised rehabilitation program and not currently illegally using drugs; and is involved in a self help group, such as Narcotics Anonymous, and not currently illegally using drugs.

RESIDENCY PREFERENCE

A PHA established preference for admission of families that reside or work or have been hired to work in the jurisdiction of the HACD. The length of time the family has lived or worked the jurisdiction may not be considered. HACD does not have a residency preference.

REMAINING FAMILY MEMBER

A person left in an assisted unit after other family members have vacated who may or may not normally qualify for assistance on his or her own circumstances (e.g., widow age 47, not disabled or handicapped). The person must be of legal age to sign a lease (adult) and all amounts incurred under the previous lease must have been paid before the person is provided a lease in his/her name.

RESIDENT

A family living in HACD's operational jurisdiction, working in HACD's jurisdiction or notified that they are hired to work in HACD's jurisdiction would be considered a resident of the jurisdiction. The length of time the family has lived or worked in the jurisdiction may not be considered.

SECURITY DEPOSIT

A dollar amount deposit set by HACD for the its federal and state programs to be used for unpaid rent, damages or other amounts owed under the lease upon termination of the lease. A schedule of security deposits is contained in Appendix C.

SINGLE PERSON

A person who lives alone or intends to live alone who does not qualify as elderly, disabled, or handicapped or as a remaining adult member of a tenant family.

STATE DEDUCTIONS FROM INCOME

Applicants for residents in all of HACD's state properties are eligible for additional deductions from income including:

- Tuition and books
- Child support or alimony paid

STUDENT FINANCIAL ASSISTANCE

For the Section 8 program, student financial assistance included in annual income is any financial assistance that a student receives in excess of tuition (e.g., athletic and academic scholarships) and that the student receives (1) under the Higher Education Act, (2) from private sources, or (3) from an institution of higher education as defined by the Higher Education Act of 1965. Financial assistance does not include loan proceeds.

- a. Higher Education Act Assistance under the Higher Education Act of 1965 includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships State Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.
- b. Assistance from Private Sources is non-governmental sources of assistance, including assistance that may be provided to a student from parent, guardian or other family member, whether residing within the family in the section 8 assisted unit or not, and from other persons not

- residing in the unit.
- c. Assistance from an Institution of Higher Education requires reference to the particular institution and the institution's listing of financial assistance
 - d. Loans are not financial assistance, and, therefore, the loan programs cited in the Higher Education Act of 1965 (the Perkins, Stafford and Plus loans) are not included in the term "financial assistance" in determining student eligibility for section 8 assistance.

TENANT RENT

The amount payable monthly by the family as rent to HACD. For its federal public housing, Tenant Rent equals Total Tenant Payment where all utilities (except telephone and cable) and other essential housing services are supplied by HACD. Where some or all utilities (except telephone and cable) and other essential housing services are not supplied by HACD and the cost of these services is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance. Tenant rent in its state developments is established as a base rent or 30% of income whichever is greater (See Appendix B).

TOTAL TENANT PAYMENT (TTP)

An amount equal to the minimum rent, 30percent of the family's monthly adjusted income or 10 percent of the gross monthly income of the family occupying the dwelling unit, whichever amount is greater. TTP does not include charges for excess utility consumption or other miscellaneous charges.

TRANSFER

A move by a tenant family from one HACD apartment to another, generally as the result of changes in family composition which changes the number of bedrooms required by the family. A transfer may not be used to split an extended family into two households by moving only some members of the family to a second apartment.

UNDERHOUSED

A tenant family with an insufficient number of bedrooms for the number of persons in the family, according to the standard set forth in Chapter V of this policy.

UTILITIES

Water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewage services. Telephone service and cable TV are not included as a utility.

UTILITY ALLOWANCE

The cost of utilities (except telephone and cable TV) and other housing services for an assisted unit when not included in the tenant rent but is the responsibility of the family occupying the unit. An amount equal to an estimate made or approved by HACD or HUD of the monthly cost of a reasonable consumption of utilities for the unit by an energy conservative household of modest circumstances, consistent with the requirements of a safe, sanitary, and healthful living environment.

VERY LOW INCOME FAMILY

Family whose annual income does not exceed fifty percent (50%) of the median income for the area as determined by HUD.

VETERAN

A person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.

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 applicant selected for occupancy from HACD'S waiting list(s).



HOUSING AUTHORITY OF THE CITY DANBURY SECTION 8 ADMINISTRATIVE PLAN

Amended August 19, 2010 by Resolution 872
Amended March 18, 2010 by Resolution 850
Amended February 19, 2009 by Resolution 776
Amended October 19, 2006 by Resolution 629

DOMENICO CHIEFFALO,
CHAIRMAN

RAY YAMIN,
VICE CHAIRMAN

MARY TEICHOLZ,
COMMISSIONER

STANLEY WATKINS,
COMMISSIONER

JIM ZEH,
RESIDENT COMMISSIONER

M. CAROLYN SISTRUNK,
EXECUTIVE DIRECTOR

ADMINISTRATIVE PLAN
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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

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

The Housing Authority of the City of Danbury's Section 8 program is a regional program, which covers communities such as Danbury, Brookfield, Ridgefield, New Milford and Newtown. HACD administers the following types of voucher programs:

Housing Choice Vouchers

Housing Choice Vouchers provide subsidies to low income persons and freedom of choice to enable them to rent affordable, decent, safe and sanitary housing anywhere in the United States.

Moderate Rehabilitation

Under the Moderate Rehabilitation Program housing subsidy assistance is attached to units whose owner agreed to rehabilitate the structure. From time to time, new allocations by HUD are made available to the HACD under the McKinney Act.

Family Unification Program (FUP)

The Family Unification Program (FUP) provides rental assistance to families in cases where the need for adequate housing is a primary factor in the reunification of children with families that have been separated or are at risk of being separated.

Violence Against Women

The Violence Against Women Act (VAWA) provides rental assistance to victims of domestic violence families in cases where the need for housing is a primary factor in relocating the families that have been displaced due to domestic violence.

Mainstream Program

The HACD received an allocation of Housing Choice Vouchers to assist applicants with disabilities to secure housing in the private market.

Designated Housing

The HACD received an allocation of Housing Choice Vouchers to assist non-elderly disabled applicants on the HACD public housing waiting list with their housing needs.

A. ADMINISTRATIVE FEE RESERVE (24 CFR 982.54(d)(21))

All expenditures from the administrative fee reserve will be approved by the Housing Authority of the City of Danbury's Board of Commissioners.

B. TERMINOLOGY

The Housing Authority of the City of Danbury is referred to as the "HACD" or "public housing agency throughout this document.

"Family" is used interchangeable with "applicant" or "participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-citizens rule" refers to the regulations effective June 19, 1995 restricting assistance to U. S. citizens and eligible immigrants.

The Section 8 program is also known as the Housing Choice Voucher Program.

"HQS" means the housing quality standards required by regulations and enhanced by the HACD.

"Failure to provide" refers to all requirements in the first family obligation.

C. FAIR HOUSING POLICY

It is the policy of the public housing agency to comply fully with all federal, state, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

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

To further its commitment to full compliance with applicable civil rights laws, the HACD will provide federal/state/local information to voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act.

Such information will be made available during the family briefing session, and all applicable fair housing information and discrimination complaint forms will be made a part of the voucher holder's briefing packet and available upon request.

All HACD staff is required to attend fair housing training. The importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, is an important part of the fair housing policy.

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

D. REASONABLE ACCOMMODATIONS POLICY (24 CFR 100.202)

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability. The HACD's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on HACD forms and letters.

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

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

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

The HACD will require third party verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the HACD finds that the requested accommodation creates an undue administrative or financial burden, the HACD will either deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the HACD (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the HACD.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

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

If a person is denied the accommodation or feels the alternative suggestions are inadequate, they may request an informal hearing to review the decision.

Applying for Admission

All persons who wish to apply for the Section 8 program must submit a pre-application via written format, as indicated in our public notice. Applications will be made available in an accessible format upon request from a person with a disability.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The full application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for accommodation is requested by the person with a disability. Applicants will then be interviewed by HACD staff to review the information on the full application form. Verification of disability will be requested at this time. The full application will also include questions asking all applicants whether reasonable accommodations are necessary.

E. TRANSLATION OF DOCUMENTS

The HACD has bilingual staff to assist non-English speaking families.

F. FAMILY FILE

The HACD will maintain a file for each family when the family is selected from the waiting list and keep the file active until the family is no longer a program participant. The inactive file should be kept for three years and contain the following:

1. Application forms
2. Income verification forms

3. A copy of each voucher issued
4. Copies of relevant correspondence
5. All requests for tenancy approval
6. A copy of all approved leases
7. All rent reasonableness determinations
8. All unit inspection forms
9. A copy of each HAP contract executed by HACD and owner
10. Interim re determination forms and related records
11. Notification of lease disapproval, if applicable
12. Records concerning denial of assistance, or termination of assistance
13. All HACD records and determinations concerning informal reviews or hearings
14. Social Security number verification
15. Non-citizen verification
16. Proof of legal identity for all family members

G. PRIVACY RIGHTS (24 CFR 5.212)

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

H. OWNER OUTREACH (24 CFR 982.54(d)(5))

The HACD encourages owners of decent, safe and sanitary housing units to lease to Section 8 families. The HACD maintains a list of interested landlords for the Section 8 program and updates this list periodically. When listings from owners are received, they will be compiled by the HACD staff by bedroom size.

The HACD will maintain lists of available housing submitted by owners in all neighborhoods within the HACD's jurisdictions to ensure greater mobility and housing choice to very low income households. The lists of owners will be provided at the front desk and provided at briefings.

The HACD conducts periodic meetings with participating owners to improve owner relations and to recruit new owners.

Chapter 2

ELIGIBILITY FOR ADMISSION

INTRODUCTION

This chapter defines both HUD's and the HACD's criteria for admission and denial of admission to the program. The HACD staff will review all information provided by the family without regard to factors other than those defined in this chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the HACD pertaining to their eligibility.

A. ELIGIBILITY FACTORS (24 CFR 982.201)

The HACD accepts applications only from families whose head or spouse is at least 18 years of age or emancipated minors under state law.

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the HACD.

The HUD eligibility criteria are:

- An applicant must be a "family"
- An applicant must be within the appropriate income limits
- An applicant must furnish Social Security numbers for all family members age six and older
- An applicant must furnish evidence of citizenship or eligible immigrant status and verification where required
- An applicant must furnish proof of legal identity

At least one member of the applicant family must be either a U. S. citizen or have eligible immigration status before the HACD can provide any financial assistance.

The family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

Evidence of citizenship or eligible immigrant status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a voucher, unless the HACD determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list.

B. FAMILY COMPOSITION (24 CFR 982.201(c))

The applicant must qualify as a family. A family may be a single person or a group of persons. A family includes a family with a child or children. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-aides is a family. The HACD determines if any other group of persons qualifies as a family.

A single person family may be:

- An elderly person.
- A displaced person.
- A person with a disability. (Individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence).
- Any other single person.

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

A family also includes two or more elderly or disabled persons living together, or one or more elderly, near-elderly or disabled persons living with one or more live-in aides.

Head of Household

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

Spouse or Head

Spouse means the husband or wife of the head. For proper application of the non-citizens rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, 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.

Co-Head

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

Live-in Attendants

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

- Is determined by the HACD to be essential to the care and well being of an elderly person, a near-elderly person (i.e., aged 50-61), or a person with disabilities,
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. Live-in aides are not subject to non-citizen rule requirements.
3. Live-in aides will not be considered as a remaining member of the tenant family.

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

A live-in aide may only reside in the unit with the approval of the HACD. Written verification will be required from a reliable, knowledgeable professional, such as a doctor or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (i.e., aged 50-61) or disabled.

The HACD will approve a live-in aide if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Approval of a live-in aide for reasonable accommodation will be in accordance with CFR 24 Part 8 and the reasonable accommodations section of this administrative plan.

Verification must include the hours during which the care will be provided.

(24 CFR 982.316) At any time, the HACD may refuse to approve a particular person as a live-in aide or may withdraw such approval if:

1. The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. The person commits drug-related criminal activity or violent criminal activity; or
3. The person currently owes rent or other amounts to the HACD or to another HACD in connection with any federally-assisted program.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the HACD will make the decision taking into consideration the following factors:

1. Which family member applied as head of household
2. Which family unit retains the children or any disabled or elderly members.
3. Restrictions that were in place at the time the family applied.
4. Role of domestic violence in the split.

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

Multiple Families in the Same Household

When families apply which consist of two families living together (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

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

When both parents are on the waiting list and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

C. INCOME LIMITATIONS (24 CFR 982.201(b), 982.353)

In order to be eligible for assistance, an applicant must have an annual income at the time of admission that does not exceed the very low income limits for occupancy established by HUD.

To be income-eligible the family may be under the low-income limit in any of the following categories:

- A very low-income family.
- A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuances. Programs include public housing, all Section 8 programs, and all Section 23 programs.
- A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
- A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A low-income non-purchasing family residing in a project subject to a home ownership program under 24 CFR 248.173.
- A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

- A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

To determine if the family is income eligible, the HACD compares the annual income of the family to the applicable income limit for the family's size.

Families whose annual income exceeds the income limit will be denied admission and offered an informal review.

For admission to the program (initial lease-up), 75% of the families may be within the extremely low income limit for the jurisdiction of the receiving HACD in which they want to live.

Portability: For initial lease-up families who exercise portability must be within the very low income limit for the jurisdiction of the receiving HACD in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS (24 CFR 5.216, 5.218)

All applicant and tenant family members are required to disclose and provide verification of the complete and accurate social security number (SSN) assigned to them; excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status. This requirement also applies to persons joining the family after admission to the program.

Persons who disclose their social security number but cannot provide verification must sign a certification and provide verification within 90 days.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS (24 CFR Part 5, Subpart E)

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 immigrant categories as specified by HUD.

For the citizenship/eligible immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

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

All members ineligible. 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.

Non-citizen students. As defined by HUD in the non-citizen regulations at 24 CFR 5.522, these persons are not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

F. OTHER CRITERIA FOR ADMISSIONS (24 CFR 982.552(b))

The HACD will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program.

The family must not have violated any family obligation during the last year of previous participation in the Section 8 program prior to final eligibility determination.

The HACD will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.

The family must have repaid any outstanding repayment agreement with another HACD before this HACD will allow participation in the program.

No family member may have been evicted or terminated from federally-assisted housing for any reason during the last three (3) years prior to final eligibility determination.

The HACD will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced further in this plan.

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

G. TENANT SCREENING (24 CFR 982.307)

The HACD will take into consideration any of the criteria for admission described further in this plan.

The HACD will not screen family behavior or suitability for tenancy. The HACD will not be liable or responsible to the owner or other persons for the family's behavior or the conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before HACD approval of the tenancy, the HACD will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on the tenancy histories, including such factors as payment of rent and utility bills, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property or others, and compliance with other essential conditions of tenancy.

The HACD will give the owner the family's current and prior address as shown in the files and the name and address, if known, of the landlord at the family's current and prior addresses.

H. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status.

I. PROHIBITED ADMISSIONS CRITERIA (24 CFR 982.202(b))

Admissions to the program may not be based on where the family lives before admission to the program.

Admission to the program may not be based on:

- Discrimination because the members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
- Discrimination because a family includes children; or
- Whether a family decides to participate in a family self-sufficiency (FSS) program.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

HACD reserves the right to open or close the waiting list based on the number of applicants. The waiting list will be closed when there are not enough housing subsidies to assist all the applicants in a reasonable period of time, such as one or two years. When HACD determines that additional applicants are needed, the waiting list will be opened and a public advertisement and notice will be posted.

A. PROGRAM OUTREACH

To affirmatively further fair housing and reach people from all backgrounds, HACD will advertise through a wide variety of sources including local and State newspapers, minority media, minority civic clubs, community and faith-based organizations, service agencies and broadcast media. An effort will also be made to notify elected officials, government agencies and agencies which specifically address the needs of individuals with disabilities. HACD will continuously monitor and evaluate outreach activities to ensure that the widest possible audience is reached.

All notices and advertising announcing the opening of the waiting list will include:

- the dates the list will be open;
- the office hours and location where applications are available and will be accepted;
- the availability of Housing Choice Vouchers;
- eligibility guidelines;
- preferences for the selection of applicants; and
- any limitations which may apply.

Information Campaign

HACD conducts an information campaign to dispel myths about how vouchers work (e.g. misunderstandings regarding restriction of vouchers to certain neighborhoods or automatic termination of vouchers after one year). The information campaign explains what kind of support will be available to participating individuals and explains their housing choices.

Outreach to Property Owners

Outreach to property owners is conducted on an ongoing basis to develop interest in the program and to increase the number of units available in low-poverty areas. HACD notifies and provides program information to local Realtors, agents, apartment associations and any interested landlords. HACD staff is available to make presentations about the HCV Program to these groups. In addition, printed materials and videos describing the program requirements and opportunities for property owners are made available. HACD maintains a list of interested property owners and units available for the program. As inquiries from prospective new property owners are received, staff records the necessary information about units and makes it available the prospective tenants upon request.

HACD makes a concerted effort to contact and encourage local property owners to participate in the program who have units specially designed or adapted for person with disabilities, and those who may be willing to adapt units. Notices shall be sent to landlords presently participating, landlords that have participated in the past, local real estate agencies, and to local social service agencies that specifically address the needs of people with disabilities. Whenever a local property owner makes a unit available for the program, HACD shall inquire as to whether the unit is accessible and the extent of accessibility.

B. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application taking is to permit the HACD to gather information and determine placement on these waiting lists. The application will contain questions designed to obtain pertinent program information.

Pre-Application and Application

HACD will accept pre-applications for the Housing Choice Voucher, Designated Housing Vouchers, Family Unification, Moderate Rehabilitation and Substantial Rehabilitation, Federal Family and State Family, Federal Elderly and state Elderly and Ives Manor and Single Room Occupancy at 2 Mill Ridge Road, Danbury CT. Wait Lists for each program will be maintained by bedroom size with the exception of Housing Choice Voucher, Designated Voucher and Family Unification Programs which will be maintained by date and time of application. Completed pre-applications must be submitted to the address identified in the announcements of waiting list opening. HACD will not deny anyone the right to submit a pre-application when the waiting list is open. All pre-applications will be time and date stamped upon receipt. Accommodations will be made for interested, disabled applicants.

Families who wish to apply for any of the HACD's programs must complete a written pre-application form when application-taking is open, i.e., when applications are being accepted. Pre-applications will be made available in an accessible format upon request from a person with a disability.

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

When the family reaches the top of the waiting list, a full application will be completed by the family. At this time the HACD ensures that verification of all HUD and HACD eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher.

C. OPENING/CLOSING OF PRE-APPLICATION TAKING (24 CFR 982.206, 982.54(d)(1), 24 CFR 982.203(a)(3) and (4))

Opening the Waiting List

When the HACD opens the waiting list, the HACD will advertise through public notice in newspapers and minority publications, the location(s) and program(s) for which pre-applications are being accepted.

The notice will contain the location where families access pre-application forms as well as where and when to mail the application, the programs for which pre-applications will be taken, a brief description of the program(s), and limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the HACD address and telephone number, how to submit a pre-application, and information on eligibility requirements.

If the waiting list is open, any family asking to be placed on the waiting list for the Section 8 program will be given the opportunity to complete a pre-application.

Upon request from a person with a disability, additional time will be given as an accommodation for sub-mission of a pre-application after the closing deadline.

If the waiting list is open, the HACD will accept pre-applications from families. However, they may not be placed on the waiting list if there is good cause, such as denial of assistance because of action or inaction by members of the family as described further in this plan.

Closing the Waiting List

The HACD may stop applications if there are enough applicants to fill anticipated openings for the next twelve (12) months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The HACD will announce the last date pre-applications will be accepted in the same notice that advertises the opening of the list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next twelve (12) months. When the period for accepting applications is over, the HACD will not add new applicants to the list.

Selected applicants will be placed on the list after applicants who were on the list previously.

D. “INITIAL” APPLICATION PROCEDURES (24 CFR 982.204(b))

The HACD will utilize a preliminary application form (pre-application). The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format. Translations will be provided for non-English speaking applicants where possible. The purpose of the pre-application is to permit the HACD to assess family eligibility or ineligibility in a preliminary fashion, and to determine placement on the waiting list. The pre-application will contain questions designed to obtain the following information:

- Applicant name and number of family members
- Street address and phone number(s)
- Mailing address
- Amount(s) of income received by household members
- Information regarding disabilities to determine qualifications for allowances and deductions
- Social Security numbers
- Race/ethnicity
- Request for specific accommodation needed to fully utilize program and services

Duplicate pre-applications, including pre-applications from a segment of an applicant household, will not be accepted.

Ineligible families will not be placed on the waiting list.

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

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

E. APPLICANT STATUS WHILE ON WAITING LIST (24 CFR 982.204)

After a preliminary review of the pre-application, if the family is determined to be eligible for the program they will be notified in writing (or in an accessible format upon request, as a reasonable accommodation).

The notice will contain the approximate date that assistance may be offered and will further explain that the estimated date is subject to factors such as turnover and available funding.

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

F. TIME OF SELECTION (24 CFR 982.204)

When funding is available, families will be selected from the waiting list in their determined sequence regardless of family size, subject to income targeting requirements. When there is insufficient funding available for the family at the top of the list, the HACD will not admit any other applicant until funding is available for the first applicant.

Based on the HACD's turnover and the availability of funding, groups of families will be selected from the waiting list to form a final eligibility pool. Selection from the pool will be based on waiting list sequence/completion of verification.

G. COMPLETION OF A FULL APPLICATION

Applicants will be required to complete a full application in their own handwriting (unless assistance is needed, or a request for accommodation is made by a person with a disability). Applicants will then be interviewed by HACD staff to review the information on the full application form.

The full application will be mailed to the applicant (or communicated as requested, as an accommodation to a person with a disability) to complete in advance when the applicant is invited to attend the interview.

H. VERIFICATION (24 CFR 982.201(e))

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

I. USE OF ENTERPRISE INCOME VERIFICATION SYSTEM - Existing Tenant Report

All Applicants MUST disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this program. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on a new unit will begin. Special consideration applies to:

- 1) Minor children where both parents share 50% custody
- 2) Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.

This information will be reviewed on an annual basis, at each annual certification. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

J. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY (24 CFR 201)

After the verification process is completed, the HACD will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the HACD, and the current eligibility criteria in effect. If the family is determined to be eligible, the HACD will mail the family a notification of eligibility. A briefing will be scheduled in order to issue a voucher to the family and to orient them to the housing program.

Chapter 4

MAINTAINING THE WAITING LIST

INTRODUCTION

These procedures will ensure that families are placed on the waiting list in the proper order and are selected for admissions in accordance with the policies contained herein.

A. WAITING LIST (24 CFR 982.204)

The HACD maintains a separate waiting list for admission to its Section 8 Housing Choice Voucher programs. The applicant will be provided the opportunity to have his/her name listed on separate waiting lists for: 1) Housing Choice Vouchers, and/or 2) Moderate Rehabilitation 3) Designated Voucher and 4) Family Unification. HACD will select the next person from the waiting list. HACD will not offer the applicant the form of assistance that he or she rejected while the applicant awaits the desired form of assistance. If an applicant rejects any or all forms of assistance offered, the applicant's name will be removed from the waiting list and the family will have to re-apply for that specific program.

B. SPECIAL ADMISSIONS

Some applicant households will be admitted to the Housing Choice Voucher Program without ever being on the waiting list or without considering the applicant's place on the waiting list. This may only occur when HUD has awarded funding to HACD for a targeted group of households living in specified units. This HUD-targeted funding may include (but is not limited to):

- Families displaced because of natural disaster, demolition or disposition of a public housing development;
- Families residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- Housing covered by the Low Income Preservation and Resident Homeownership Act of 1990;
- Non-purchasing families residing in a project subject to a homeownership program;
- Families displaced because of a mortgage prepayment or voluntary termination of a mortgage insurance contract;
- Families residing in a development covered by a project-based HAP contract after the first year of assistance in a PBV unit or at or near the end of the HAP contract term;

- Families referred to HACD by Department of Children & Family Services and determined eligible under the Family Unification Program.
- Families referred to HACD by the Women’s Center and determined eligible under the Violence Against Women Program.

Except for special admissions, applicants will be selected from the waiting list in accordance with the policies defined in this plan.

The HACD will maintain information that permits proper selection from the waiting list. The waiting list contains the following information for each applicant listed:

- Applicant Name
- Date and time of application
- Racial or ethnic designation of the head of household
- Targeted program and preferences qualifications
- Annual (gross) family income
- Number of persons in family

The waiting list will be maintained in accordance with the following guidelines:

1. The application will be in a permanent file.
2. All applicants must meet very low-income eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined previously, must have been approved previously by the HUD field office.

Special Admissions (24 CFR 982.54(d)(3), 982.203)

Applicants who are admitted under special admissions, rather than from the waiting list, are identified by codes in the automated system and are not maintained on separate lists.

B. WAITING LIST PREFERENCES (24 CFR 982.207)

Pre-applications for admission are selected by date and time.

C. FUNDING FOR SPECIFIED CATEGORY OF WAITING LIST FAMILIES

When HUD awards funding for a specified category of families meeting specific requirements, the waiting list is searched for eligible families. If there is not a sufficient number of eligible families on the waiting list, the waiting list will be opened to applicants eligible for the specified category. When the pre-application is submitted to the HACD, it will be date-and time-stamped to determine placement order on the waiting list.

Applicants who meet the criteria for a specified category and are admitted under targeted funding and who are not identified as a special admission are identified by codes in the automated system.

D. INCOME TARGETING

As required by QHWRA, each fiscal year the HACD will target a minimum of 75% of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as “extremely low income families.”

The HACD’s income targeting requirement does not apply to low-income families continuously assisted as provided for under the 1937 Housing Act.

E. LOCAL PREFERENCES

Residency Preference

Effective January 1, 2007, a *Residency preference* shall be given to HACD Applicants who are residents of the Greater Danbury Area, who work within the Greater Danbury area, whose last permanent address was within the Greater Danbury area and applicant has not claimed local residency preference in another community where the applicant is temporarily residing OR who have been offered employment in the Greater Danbury area. Residency Preference shall not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, sex, sexual orientation, religion, age, handicap, disability, national origin, ethnicity, marital status, gender or familial status of any member of an Applicant household.

Verification Requirements

Applicants claiming a HACD Residency Preference shall be required to verify this through:

1. Proof of residency at an address within the Greater Danbury Area limits (No length of stay verification will be imposed on Applicants claiming this Preference.); **or**
2. Proof that the Applicant is currently employed or has obtained employment in the area; **or**
3. Proof that the Applicant's last permanent address was within the Greater Danbury Area; **or**
4. Proof that an Applicant has not claimed local preference in another community.

Homelessness Preference

Effective January 1, 2007, HACD shall establish a one year pilot program that grants a homelessness preference to HACD Applicants and/or households that lack a fixed, regular and adequate nighttime habitation OR the primary nighttime dwelling is one of the following:

- A supervised public or private shelter designed to provide temporary living accommodations (includes welfare hotels, congregate shelters and transitional housing);
- A public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings.

Persons living with existing HACD residents or living with residents either as authorized or unauthorized members of the household or living with residents in private housing DO NOT qualify as homeless.

Verification Requirements:

1. Submission of a “Certificate of Homelessness” fully completed by an appropriate source or the Applicant's signed statement that he/she lacks a fixed, regular and adequate nighttime residence; or his/her primary nighttime residence is:
 - a. supervised public or private shelter designed to provide temporary housing accommodations (i.e., welfare hotels, congregate shelters and transitional housing);
 - b. a public or private place not designed or used as regular sleeping place for human beings.
2. A third-party written verification from a public or private facility that provides shelter for homeless individuals, the local police department, or a social services agency, certifying the Applicant's homeless status in accordance with the definition in this policy.

F. REMOVAL FROM WAITING LIST AND UPDATING (24 CFR 982.204(c))

The HACD will annually send applicants an update inquiry to ensure the applicant’s continued interest in, and need for, housing. An applicant who does not return the inquiry by the requested deadline date will have his or her name removed from the waiting list.

An extension of 10 days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

Any mailings to the applicant that require a response will state that failure to respond within the stated date will result in the applicant’s name being dropped from the waiting list.

If a letter is returned by the post office without a forwarding address, the applicant will be removed without further notice and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If the applicant did not respond to the HACD request for information or updates because of a family member’s disability, the HACD will reinstate the applicant in the family’s former position on the waiting list.

Chapter 5

SUBSIDY STANDARDS

INTRODUCTION

This chapter explains the subsidy standards used to determine the voucher size for families when they are selected from the waiting list, as well as the HACD's procedures when a family's size changes, or a family selects a unit size different from the voucher size.

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE (24 CFR 982.402)

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

For subsidy standards, an adult is a person 18 years or older.

All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

The unit size on the voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

- Persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom
- Foster children will be included in determining unit size only if they will be in the unit for more than six months.
- A child who is temporarily absent due to placement in foster care is considered a family member when determining unit size.
- Live-in attendants may be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.
- Space may be provided for a child who is away at school but who lives with the family during school recess.
- A pregnant woman will be determined as a two person household when determining unit size.
- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.

GUIDELINES FOR DETERMINING VOUCHER SIZE

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

B. EXCEPTIONS TO SUBSIDY STANDARDS (24 CFR 982.403(a)&(b))

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

The HACD will grant an exception upon request as an accommodation for persons with disabilities.

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

Request for Exception to Subsidy Standards

The family may request a larger family unit sized voucher than indicated by the HACD's subsidy standards. Such request must be made in writing within 30 days of the HACD's determination of family unit size. The request must explain the need or justification for a larger family unit sized voucher. Documentation verifying the need or justification will be required as appropriate.

Requests based on health-related reasons must be verified by a doctor/medical professional.

HACD Error

If the HACD errs in the bedroom size designation, the family will be reissued a voucher of the appropriate size so that the family is not penalized.

Changes for Applicants

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

Changes for Participants

The members of the family residing in the unit must be approved by the HACD. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the HACD within 30 days. The above-referenced guidelines will apply.

Underhoused Families

If a unit does not meet HQS space standards due to an increase in family size (i.e., the unit is too small), the HACD will issue a new voucher of the appropriate size and assist the family in locating a suitable unit.

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

- If a family with a disability is underhoused in an accessible unit.
- If a family requires the additional bedroom because of a health problem which has been verified by the HACD.

C. UNIT SIZE SELECTED (24 CFR 982.401(d)(ii))

The family may select a difference size dwelling than that listed on the voucher. There are three criteria to consider:

1. Subsidy Limitation: The family unit size as determined for a family under the HACD subsidy standard for a family assisted in the voucher program is based on the HACD's adopted payment standards. The payment standard for a family shall be the lower of:
 - The payment standard amount for the family unit size, or
 - The payment standard amount for the unit size rented by the family.
2. Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's voucher.
3. Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

	<u>Maximum # In Household</u>
0 Bedroom	1
1 Bedroom	4
2 Bedroom	6
3 Bedroom	8
4 Bedroom	10
5 Bedroom	12
6 Bedroom	14

Chapter 6

FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION

INTRODUCTION

The HACD will use the enclosed methods to verify and determine that family income at admission and reexamination is correct.

This chapter defines the allowable expenses and deductions to be subtracted from annual income and how the presence or absence of household members may affect the total tenant payment (TTP).

A. INCOME AND ALLOWANCES (24 CFR 5.609)

Income includes all amounts, monetary or not, which are received on behalf of the family. For purposes of calculating the total tenant payment, HUD defines in the federal regulations which is to be calculated and what is to be excluded. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

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

Adjusted Income is defined as the annual income minus any expenses or deductions allowed by HUD.

HUD has established five allowable deductions from annual income:

1. Dependent allowance: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are age 18 or older and who are full-time students or disabled.
2. Elderly/disabled allowance: \$400 per family for families whose head or spouse is age 62 or over or disabled.

The sum of the following, to the extent that the sum exceeds 3% of annual income:

3. Allowable medical expenses which are not reimbursed, deducted for all family members of an eligible elderly/disabled family.
4. Child care expenses deducted for the care of children under age 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.

5. Allowable disability assistance expenses deducted for attendant care or for any auxiliary apparatus for persons with disabilities, if needed to enable the individual or adult family member to work.

B DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS FOR PERSONS WITH DISABILITIES (24 CFR 5.617; 982.201(b)(3))

The annual income for qualified families may not be increased as a result of increases in the earned income of a family member who is a person with disabilities, beginning on the date on which the increase in earned income begins and continuing for a cumulative 12 month period. After the disabled family receives 12 cumulative months of the full exclusion, annual income determinations will include a phase-in period during which one-half the earned income will be excluded from annual income for a period of an additional 12 cumulative months.

A family that qualifies to receive the earned income exclusion is a disabled family that is receiving assistance, and:

- Whose annual income increases as a result of the employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment; or
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities participating in any economic self-sufficiency or other job training program; or
- Whose annual income increases as a result of the new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any state TANF program, provided that the total amount of the increase over a six-month period is at least \$500.

The HUD definition of “previously unemployed” includes a person with disabilities who has in the previous 12 months earned no more than the equivalent earning for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the state or locality.

The HUD definition of an economic self-sufficiency program is any program designed to encourage, assist, training for facilitate the economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse treatment or mental health treatment).

Amounts to be excluded are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program but not increases that occur after the conclusion of their participation, unless the training provides continuing assistance, training or mentoring which continues after employment begins.

The amount of TANF benefits received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies or transportation assistance.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or the increase in earned income to the amount of such income after the beginning of employment or the increase in earned income.

Initial Twelve-Month Exclusion

During the cumulative 12 month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the HACD will exclude from the annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.

Second Twelve-Month Exclusion

During the second cumulative 12 month period, beginning immediately after the expiration of the initial cumulative 12 month period referred to above, the HACD must exclude from the annual income of a qualified family 50% of the total amount of any increase in the income of a family member who is a person with disabilities which occurs as a result of the employment of that family member, when that amount represents an increase over the income of that family member prior to the beginning of such employment.

Maximum Four Year Period During Which the Disallowance Applies

The earned income disallowance is limited to lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of 50% house-in exclusion during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month-in 50% exclusion), provided that both 12-month periods must end within the 48-month period which began on the date when the initial 12-month disallowance began. If both 12-month periods do not end within the 48-month period which began on the date when the initial 12-month disallowance began (i.e., the date of the initial exclusion), the total amount of the disallowance shall be the total disallowance accumulated during the 48-month period.

No earned income disallowance will be applied after the conclusion of the 48-month period following the initial date on which the exclusion was applied.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 Family Report form. Documentation will be included in the family's file to show the reason why the increase in earned income did not result in an increase in tenant rent.

Inapplicability to Admission.

The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

C. MINIMUM RENT (24 CFR 5.630)

Minimum Rent

The minimum monthly rent is \$50.

D. DEFINITION OF TEMPORARILY OR PERMANENTLY ABSENT (24 CFR 982.54(d)(10), 982.312, 982.551)

The HACD must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the HACD must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when a person is exposed to hostile fire, and any other exceptions to military pay which HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The HACD will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered permanently absent if she or he is away from the unit for three (3) consecutive months except as otherwise provided in this chapter.

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HACD will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than three (3) months, the family member will not be considered permanently absent.

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

Absence Due to Full-time Student Status

A full-time student (other than the head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. Income over \$480 is not counted for full-time students. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of voucher size.

Absence Due to Incarceration

If the sole member of a family is incarcerated for more than three (3) months, she or he will be considered permanently absent. Any member of the family other than the sole member will be considered permanently absent if she or he is incarcerated for three (3) consecutive months.

The HACD will determine if the reason for incarceration is for drug-related or violent criminal activity.

Absence of Children Due to Placement in Foster Care

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

If the time period is to be greater than 12 months from the date of removal of the child or children, the voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the HACD's subsidy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved from the unit, the HACD will terminate assistance in accordance with appropriate termination procedures contained in this plan.

Families are required both to notify both the HACD before they move out of a unit and to give the HACD information about any family absence from the unit.

Families must notify the HACD if they are going to be absent from the unit for more than 30 days.

If the entire family is absent from the assisted unit for more than 60 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

Absent means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the HACD may write letters to the family at the unit, telephone the family at the unit, check with neighbors, verify if utilities are in service, and/or check with the post office.

A person with a disability may request an extension of time as an accommodation, provided that the extension requested does not go beyond the HUD-allowed time limit of 180 consecutive calendar days.

If the absence which resulted in the termination was due to a person's disability and if the HACD can verify the person was unable to notify the HACD in accordance with the family's responsibilities, and if funding is available, the HACD may reinstate the family as an accommodation if requested by the family.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the HACD will treat that adult as a visitor until court-awarded custody or legal guardianship has been awarded to the caretaker. The voucher will then be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the HACD will review the status at 30-day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the HACD will secure verification from social services staff as to the status.

When the HACD approves a person to reside in the unit as caretaker for the children, the income of the caretaker should be counted pending a final disposition. The HACD will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him or her from the home for more than three (3) months, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD Form 50058 who has been in the unit for more than 30 days with HACD approval will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as evidence of permanent residence.

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

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 60 consecutive days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 90 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and HACD

Reporting changes in household composition to the HACD is both a HUD requirement and a HACD requirement.

The family obligations require the family to inform the HACD of the birth, adoption or court-awarded custody of a child and to request HACD approval to add any other family member as an occupant of the unit. The family must request prior approval of additional household members in writing. If any new family member is added, the income of the addition member will be included in the family income, as applicable under HUD regulations.

Families are required to report any additions to the household in writing to the HACD within ten (10) days of the move-in date.

An interim reexamination will be conducted in the event of any additions to the household.

Other than the birth, adoption, or court-awarded custody of a child, any adult proposed to be added to the household will undergo the same screening as other adult household members.

Reporting Absences to the HACD

Reporting changes in household composition is both a HUD and HACD requirement.

If a family member leaves the household, the family must report this change to the HACD, in writing, within ten (10) days of the change (i.e., after the change) and certify as to whether the member is temporarily or permanently absent.

The HACD will conduct an interim evaluation for changes which affect the total tenant payment in accordance with the interim policy.

E. AVERAGING INCOME

When annual income cannot be anticipated for a full 12 months, the HACD may:

1. Average all known sources of income that vary, in order to compute an annual income, or
2. Annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

If there are possible bonuses or overtime payments which the employer cannot anticipate for the next 12 months, bonuses and overtime received the previous year will be used.

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

The method to be used depends upon the regularity, source and type of income.

G. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME (24 CFR 982.54(d)(10))

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the HACD will exclude the income of the person permanently confined to the nursing home and give the family no deductions for the medical expenses of the confined family member.

H. REGULAR CONTRIBUTIONS AND GIFTS (24 CFR 5.609)

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the total tenant payment.

Any contribution or gift received every six (6) months or more frequently will be considered a regular contribution or gift, unless the amount totals less than \$500 per year. This includes rent and utility payments made on behalf of the family as well as other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

I. ALIMONY AND CHILD SUPPORT (24 CFR 5.609)

Regular alimony and child support payments are counted as income for purposes of the calculation of total tenant payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the HACD will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The HACD will accept as verification that the family is receiving an amount less than the award if the HACD receives verification from the agency responsible for enforcement or collection, or the family furnishes documentation of a child support or alimony collection action filed through a child support enforcement or collection agency, or documentation that they have filed an enforcement or collection action through an attorney.

It is the family's responsibility to support a certified copy of the divorce decree.

J. LUMP SUM RECEIPTS (24 CFR 5.609)

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

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

In order to determine the amount of retroactive tenant rent that the family owes as a result of the lump sum receipt, the HACD uses a calculation method which calculates prospectively or retroactively, depending on the circumstances.

Prospective Calculation Method

If the payment is reported on a timely basis, within 30 days, the calculation will be done prospectively and will result in an interim adjusted where the entire lump-sum payment will be added to the annual income at the time of the interim.

Retroactive Calculation Method

The HACD will go back to the date on which the lump-sum payment was received, or to the date of admission, whichever is closer. The HACD will determine the amount of income for each certification period, including the period during which the lump sum was received, and recalculate the tenant rent for each certification period to determine the amount due the HACD.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

K. CONTRIBUTIONS TO RETIREMENT FUNDS – ASSETS (24 CFR 5.603(d))

Contributions to company retirement or pension funds, the only amounts counted are those the family can withdraw without retiring or terminating employment. If the employee has retired or terminated employment, any amount the family member elects as a lump sum will be counted.

L. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE (24 CFR 5.603(d)(3))

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

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

M CHILD CARE EXPENSES (24 CFR 5.603)

Child care expenses for children under age 13 may be deducted from annual income if they enable an adult to work, to attend school, or to actively seek employment.

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

Allowability of deductions for child care expenses is based on the following guidelines:

Child care for work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work which is included in the family's annual income. The

person enabled to work will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

Amount of expense: Licensed, registered or otherwise regulated childcare providers will provide a signed statement of childcare expenses. The maximum allowance for all other child care is \$100.00 per child, per week.

N MEDICAL EXPENSES (24 CFR 5.609(a)(2), 5.603)

When it is unclear in the HUD rules whether to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Non-prescription medicines will be counted toward medical expenses for families who qualify, if the family furnishes legible receipts.

O. PRO-RATION OF ASSISTANCE FOR MIXED FAMILIES (24 CFR 5.520)

Applicability

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

Mixed families that were participants as of June 19, 1995 and do not qualify for continued assistance must be offered pro-rated assistance. Mixed applicant families are entitled to pro-rated assistance. Families that become mixed after June 19, 1995 by the addition of an ineligible member are entitled to pro-rated assistance.

Pro-rated Assistance Calculations

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

P. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The HACD will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of fraud by a family member in connection with the welfare program, failure to participate in an economic self-sufficiency program, or non-compliance with a work activities requirement.

The HACD will, however, reduce the rental contribution if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has not complied with other welfare agency requirements; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirement but cannot or has not obtained employment, such as when the family member has complied with welfare program requirements, but the durational time limit, such as cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for the purpose of determining the rental contribution.

Imputed welfare income is not included in annual income if the family was not an assisted family at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction is imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

The HACD will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance with economic self-sufficiency or work activities requirements before denying the family's request for rent reduction.

The welfare agency, at the request of the HACD, will inform the HACD of the amount and term of specified welfare benefit reductions for the family, the reason for the reduction, and any subsequent changes in term or amount of reduction.

O. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS (24 CFR 982.153, 982.517, 982.514(b))

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The HACD's utility allowance schedule and the utility allowance of an individual family, must include utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

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

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

The HACD will review the utility allowance schedule annually. If the review finds that a utility rate has changed by 10% or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at the family's next reexamination.

The utility allowance calculation is based on the actual unit size selected.

Where families provide their own range and refrigerator, the HACD will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the less of the cost of leasing or purchasing the appropriate appliance over a 12 month period.

Where the calculation on the HUD Form 50058 results in a utility reimbursement due the family, the HACD will provide a utility reimbursement payment for the family each month. The check will be made out directly to the tenant, unless the tenant has agreed, in writing, to payment directly to utility companies, in which case the check will be made out directly to the utility companies.

The HACD will approve a higher utility allowance for a family including a person with a disability, if needed.

Chapter 7

VERIFICATION PROCEDURES

INTRODUCTION

HUD regulations require family eligibility, income and allowances be verified by the HACD. HACD staff will obtain written verification from independent sources (i.e., third party verification) whenever possible. Files will be documented when third party verification is not possible. The HACD will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED (24 CFR 982.516)

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

1. Up-front Income Verification (UIV) when available
2. third-party written
3. third-party oral
4. review of documentation
5. certification/self-declaration

The HACD will allow three (3) weeks for return of third-party written verification. HACD staff will allow two (2) weeks/attempt to obtain other types of verification before going onto the next method. The HACD will place documentation in the tenant file as to why third party written verification was not obtained.

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

Up Front Income Verification (UIV)

Up-front Income Verification refers to the PHA's use of the verification tools available from independent sources that maintain computerized information about earnings, and benefits. (HUD's EIV, EMS, CCSES etc.)

There may be legitimate differences between information provided by the family and UIV generated information. No adverse action can be taken against a family until the PHA has independently verified the UIV information and the family has been given the opportunity to contest any adverse findings through the informal review/hearing process.

Under no circumstances should a family be terminated solely on information generated through use of UIV.

Third-Party Written Verification

Third-party written verification is used to verify information directly from the source. Third-party written verification forms will be sent and returned via first class mail and/or fax transmittal. Each adult family member (i.e., age 18 or older) will be required to sign an authorization allowing an information source to release the specified information.

Verifications received by fax directly from the source are considered third-party written verifications.

With the exception of computerized printouts from the following agencies, the family will not be allowed to deliver verifications:

- Social Security Administration
- Veterans Administration
- State Department of Social Services (Welfare Assistance)
- State Labor Department (Unemployment Compensation)
- State or federal courts.

Third-Party Oral Verification

Oral Third-party verification will be used when written third-party verification is delay or not possible. When third-party oral verification is used, staff will be required to annotate the file noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the HACD will compare the information to any documents provided by the family. If obtained by telephone, the HACD must initiate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable the HACD will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks and currency, will be photocopied and retained in the applicant file. In cases where documents are viewed that cannot be photocopied, staff will annotate the file accordingly.

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

Printed wage stubs

Computer print-outs from the employer

Signed letters (provided that the information is confirmed by phone)

Other documents noted in this Chapter as acceptable verification

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

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification is accomplished by means of a notarized statement or affidavit which must be witnessed and which is obtained under penalty or perjury.

B. RELEASE OF INFORMATION (24 CFR 5.230)

All adult family members will be required to sign a copy of HUD Form 9886, Authorization for Release of Information/Privacy Act Form.

In addition, all adult family members will be required to sign specific authorization forms when information is needed that is not covered by HUD Form 9886.

Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

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

C. COMPUTER MATCHING

For some time, HUD has conducted a computer matching initiative to independently verify resident income. HUD can access income information and compare it to information submitted by HACD on the 50058 Form. HUD can disclose Social Security information to HACD, but is precluded by law from disclosing Federal tax return data to HACD. If HUD receives information from Federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family of the discrepancy. The family is required to disclose this information to the HACD. HUD's letter to the family will also notify the family that HUD has notified the HACD in writing that the family has been advised to contact the HACD. HUD will send the HACD a list of families who have received "income discrepancy" letters.

When the HACD receives notification from HUD that a family has been sent an "income discrepancy" letter, the HACD will:

- Wait ten (10) days after the date of notification before contacting tenant.
- After ten (10) days following the date of notification, the HACD will contact the tenant by mail asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

- The HACD will fully document the contact in the tenant's file, including a copy of the letter sent to the family.

When the family provides the required information, the HACD will verify the accuracy of the income information received from the family, review the HACD's interim recertification policy, identify unreported income, charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, based on the information.

If tenant fails to respond to HACD, the HACD will ask HUD to send a second letter. After an addition ten (10) days, the HACD will ask HUD to send a third letter. After an additional 15 days the HACD will send a letter to the head of household, warning of the consequences if the family fails to contact the HACD within ten (10) days.

If the tenant claims a letter from HUD was not received, the HACD will ask HUD to send a second letter with a verified address for the tenant. After ten (10) days, the HACD will contact the tenant family. If the tenant family still claims they have not received a letter, the HACD will ask HUD to send a third letter. After an additional 15 days, the HACD will set up a meeting with the family to complete IRS Forms 4506 and 8821. If the tenant family fails to meet with the HACD or will not sign the IRS forms, the HACD will send a warning letter to the head of the household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the HACD and/or sign forms.

If tenant does receive a discrepancy letter from HUD, the HACD will set up a meeting with the family. If the family fails to attend the meeting, the HACD will reschedule the meeting. If the family fails to attend the second meeting, the HACD will send a termination warning. The family must bring the original HUD discrepancy letter to the HACD.

If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter, the HACD will ask the tenant to provide documented proof that the tax data is incorrect. If the tenant does not provide documented proof, the HACD will obtain proof to verify the Federal tax data using third party verification.

D. ITEMS TO BE VERIFIED (24 CFR 982.516)

All income, including income exclusions.

Full-time student status including high school students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Child care expense where it allows an adult family member to be employed, or to actively seek work or to further his/her education.

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family which allow an adult family member to be employed.

Disability for determination of allowances or deductions.

Proof of legal identity.

U. S. citizenship/eligible immigrant status.

Social Security Numbers for all family members over 6 years of age or older who have been issued a Social Security Number.

Familial/Marital status when needed for head or spouse definition.

E. VERIFICATION OF INCOME (24 CFR 982.516)

This section defines the methods the HACD will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months.

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer.
2. Minimum of six weeks or 3 bi-weekly check stubs or earning statements which indicate the employee's gross pay, frequency of pay or year to date earnings.
3. W-2 forms plus income tax forms.
4. Self-certifications or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the HACD will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

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

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits.
2. Award or benefit notification letters prepared and signed by the providing agency
3. Computer report electronically obtained or in hard copy.

Unemployment Compensation

Acceptable methods of verification include, in this order;

1. Verification form completed by the unemployment compensation agency.
2. Computer printouts from unemployment office stating payment dates and amounts.
3. Payment stubs

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. HACD verification form completed by payment provider.
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action

Alimony or Child Support Payments

Acceptable methods of verification include any of the following;

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. A notarized letter from the person paying the support.
3. Copy of latest check and/or payment stubs from Court Trustee. HACD must record the date, amount, and number of the check.
4. If payments are irregular, the family must provide:
 - A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.

- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
- A welfare notice of action showing amounts received by the welfare agency for child support.
- A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the HACD will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
 - a. Schedule C (Small Business)
 - b. Schedule E (Rental Property Income)
 - c. Schedule F (Farm Income)
2. If accelerated depreciation was used on the tax return or financial statement, an accountant’s calculation of depreciation expense, computed using straight-line depreciation rules.
3. Audited or unaudited financial statement(s) of the business.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a “cash and carry” operation (which may or may not be licensed), the HACD will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

Recurring Gifts

The family must provide a self-certification that contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

The HACD will request information from the Department of Social Services, Department of Labor, Social Security Offices and towns.

Full-time Student Status

Only the first \$480 of the earned income of full time students, other than head or spouse, will be counted toward family income.

Financial aid, scholarships and grants is not counted toward family income.

Verification of full time student status includes:

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

F. INCOME FROM ASSETS (24 CFR 982.516)

Savings Account Interest Income and Dividends

Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or HACD verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the HACD must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

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 family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

The HACD will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

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

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

1. For all certifications and recertifications, the HACD will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.
2. If the family certifies that they have disposed of assets for less than fair market value, certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME (24 CFR 982.516)

Child Care Expenses

1. Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.
2. Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.
4. Verification that childcare provider is licensed/registered or otherwise regulated must be obtained from provider, otherwise childcare situation will be treated as unregulated and eligible only for a maximum allowance of \$100.00 per child, per week.

Medical Expenses

Families who claim medical expenses will be required to submit a certification as to whether any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below.

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
 - a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
 - b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. HACD may use this approach for “general medical expenses” such as non-prescription drugs and visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
8. The HACD will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities (24 CFR 5.611(c))

1. In all cases:
 - (a) Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
 - (b) Family’s certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
 - (a) Attendant’s written certification of amount received from the family, frequency of receipt, and hours of care provided.
 - (b) Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary Apparatus:
 - (a) Receipts for purpose or proof of monthly payments and maintenance expenses for auxiliary apparatus.
 - (b) In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS (24 CFR 5.617(b)(2))

Verification of Legal Identity

In order to prevent program abuse, the HACD will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

Certificate of Birth, naturalization papers
 Church issued baptismal certificate
 Current, valid Driver’s license
 U. S. military discharge (DD 214)

U. S. passport
Voter's registration
Company/agency Identification Card
State or Federal government issued identification card
DSS Eligibility Management System (EMS) print out

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

Certificate of Birth
Adoption papers
Custody agreement
Health and Human Services ID
School records

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of a court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

Familial Relationships

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

The following verifications will always be required if applicable:

Verification of relationship:

Official identification showing names
Birth certificates
Baptismal certificates

Verification of guardianship is:

Court-order assignment
Verification from social services agency
School records

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the HACD will consider any of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
6. If no other proof can be provided, the HACD will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.
7. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The HACD may verify changes in family composition either reported or unreported through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

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

Verification of Citizenship/Eligible Immigrant Status (24 CFR 5.508, 5.510, 5.512, 5.514)

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

1. Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. The HACD will require citizens to provide documentation of citizenship. Acceptable documentation will include at least one of the following original documents:

U. S. birth certificate
U. S. passport
Resident alien/registration card
Social Security card

2. Eligible Immigrants aged 62 and over are required to sign a declaration of eligible immigration status and provide proof of age.
3. Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HACD verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HACD must request within ten days that the INS conduct a manual search.
4. Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
5. Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

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

Time of Verification

For applicants, verification of U. S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination/at the time of initial application.

For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial HACD does not supply the documents, the HACD must conduct the determination.

Extensions of Time to Provide Documents

The HACD will grant an extension of 15 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Arrival-Departure Record (I-94)

Temporary Resident Card (I-688)

Employment Authorization Card (I-688B)

Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U. S. citizenship/eligible immigrant status must be kept five years.

The HACD will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If the HACD determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for 36 months, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers (24 CFR 5.216)

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the documents(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- A driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- An identification card issued by an employer or trade union
- An identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- Bank statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter

- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or social Security Number from Social Security Administration
- EMS print out

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the HACD.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must show proof they have applied to Social Security for a replacement card. The applicant/participant or family member will have an additional 30 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the HACD may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to show they have applied for a Social Security Number.

Chapter 8

VOUCHER ISSUANCE AND BRIEFINGS

INTRODUCTION

Issuance of Vouchers [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, HACD will issue vouchers to applicants whose final eligibility has been determined. HACD will strive to maintain 100% utilization of all program funds. Program capacity will be closely monitored to determine success rates, average lease up time, and monthly turnover. This statistical information will serve as the basis to determine the number of vouchers to be issued on an ongoing basis to achieve the 100% utilization rate.

When eligibility has been determined, the HACD will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, HACD procedures, and how to lease a unit. The family will also receive a briefing packet that provides more detailed information about the program, including the benefits of moving outside areas of poverty and minority concentration.

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

B. BRIEFING TYPES AND REQUIRED ATTENDANCE (24 CFR 982.301)

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in group and/or individual meetings. Families who attend group briefings and still have the need for individual assistance will be referred to a housing coordinator. Briefings will be conducted in English and, when necessary, in Spanish.

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

The HACD will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two (2) scheduled briefings without prior notification and approval of the HACD may be denied admission based on failure to supply information needed for certification. The

HACD will conduct individual briefings for families with disabilities at their homes, upon request by the family, if required as a reasonable accommodation.

Briefing Packet (24 CFR 982.301(b))

The documents and information provided in the briefing packet for the voucher programs will comply with all HUD requirements. The HACD also includes other information and materials which are not required by HUD.

The family is provided the following information and materials:

1. The voucher, with its term indicate.
2. A description of the method used to calculate the housing assistance payment (HAP) for a family, information on the utility allowances, and the payment standards for the voucher program.
3. How the payment standard is determined, including an explanation of rent reasonableness.
4. Guidance and factors to consider which assist the family in selecting a unit, such as proximity to employment, public transportation, schools, day care, shopping, and the accessibility of services including social services. Guidance will also be provided to assist the family in evaluating the prospective units, such as the condition of unit, whether the rent is reasonable, the cost of tenant-paid utilities and energy efficiency of the unit.
5. An explanation of the geographical area in which the family may lease a unit, including an explanation of portability.
6. The Request for tenancy Approval form and a description of the procedure for requesting approval of a rental unit.
7. The HACD policy on providing information about families to prospective owners.
8. The subsidy standards, including when and how exceptions are made and how the voucher size relates to the unit size selected.
9. The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live," concerning how to select a unit that complies with HQS.
10. The HUD pamphlet on lead-based paint entitled Protect Your Family From Lead in Your Home and information about where blood level testing is available.
11. Information on federal, state and local equal opportunity laws.
12. A list of landlords or other parties who may have suitable rental units available.
13. If the family includes a person with disabilities, notice that the HACD will assist in locating accessible units and a list of available accessible units known to the HACD.
14. The family obligations under the program.
15. The grounds on which the HACD may terminate assistance for a participant family because of family action or failure to act.
16. HACD informal hearing procedures, including when the HACD is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
17. An HQS checklist and a sample contract.

18. Procedures for notifying the HACD and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.
19. The family's rights as a tenant and a program participant.
20. Requirements for reporting changes occurring between certifications.
21. Information on security deposits

Other Information to be Provided at the Briefing (24 CFR 982.301(a))

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

The briefing presentation emphasizes:

- Family and owner responsibilities.
- How portability works for families eligible to exercise portability.

Advantages in move to an area with a low concentration of poor families if the family is living in a high poverty census tract in the HACD's jurisdiction.

Exercising choice in residency.

Choosing a unit carefully and only after due consideration.

Mobility services.

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

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas, and the HACD will provide assistance to families who wish to do so. The HACD will have available a listing of available units and landlords interested in the program. The mobility services provided may include:

- Direct contact with landlords.
- Counseling with the family.
- Providing information about services in various non-impacted areas.
- Meeting with neighborhood groups to promote understanding
- Formal or informal discussions with landlord groups.
- Formal or informal discussions with social service agencies
- Meeting with rental referral companies or agencies.
- Meeting with fair housing groups or agencies.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

HACD staff will help clients who require assistance in filling out discrimination complaint forms by referring them to the appropriate HUD office.

E. SECURITY DEPOSIT REQUIREMENTS (24 CFR 982.313)

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by state law, i.e., two months rent, or one months rent if the tenant is 62 or older).

For lease-in place families, responsibility for the first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER (24 CFR 982.303, 982.54(d)(11))

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

Expirations

The voucher is valid for a period of at least 60 calendar days from the date of issuance. The family must submit a Request for Tenancy Approval within the 60-day period, unless an extension has been granted by the HACD, or the voucher will expire (i.e., the family will lose the voucher).

If the voucher has expired and has not been extended by the HACD, or if the voucher expires after an extension, the family will be denied assistance. The family will not be entitled to a review or a hearing. If the family is currently assisted, they may remain as a participant in their unit if an assisted lease and contract are in effect.

Suspensions

When a Request for Tenancy Approval is received, the HACD will not suspend or stop the clock on the term of the voucher.

Extensions

The HACD will extend the term of the voucher up to 120 days from the beginning of the initial term. If the family needs and requests an extension, and it is granted, it will be granted in 30-day increments not to exceed two extensions. Approval of each extension should be granted by a housing supervisor.

Extensions are granted at the discretion of the HACD primarily for the following reasons:

The HACD is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the HACD through its mobility services, throughout the initial 60-day period. A completed search record is required.

The family was prevented from finding a unit due to the disability accessibility requirement of a family member.

Special Extensions

Special extensions beyond the 120 day search time may be granted by the HACD but only in cases where there are circumstances documented and verified that are beyond the family's control and that affect the family's ability to find suitable housing within the initial 60 days and subsequent allowable extension.

The housing supervisor must review the family's search record and all documentation provided by the family to verify and support the request. The housing supervisor shall approve or disapprove the special extension. If the family does not provide proper documentation a special extension will not be granted.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the HACD office to request assistance. Voucher holds will be notified at their briefing session that the HACD periodically updates the listing of available units and how the updated list may be obtained.

The HACD will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS (24 CFR 982.315)

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance and there is no determination by a court, the HACD shall consider the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the HACD will terminate assistance on the basis of failure to provide information necessary for a reexamination.

H. REMAINING MEMBER OF TENANT FAMILY – RETENTION OF VOUCHER (24 CFR 982.315)

To be considered the remaining member of the tenant family, the person must have been previously approved by the HACD to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The HACD has to have verified that the social services agency and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the voucher size.

Chapter 9

REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

INTRODUCTION (24 CFR 982.305(a))

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the HACD, or outside of the HACD's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a housing assistance payments (HAP) contract with the HACD.

A. REQUEST FOR TENANCY (24 CFR 982.302, 982.305(b))

The request for tenancy approval (RTA) and a copy of the proposed lease, including the HUD-prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the request for tenancy approval in the form and manner required by the HACD.

The request for tenancy approval must be signed by both the owner and voucher-holder.

The HACD will not permit the family to submit more than one RTA at a time.

The HACD will review the proposed lease and the RTA to determine whether they are approvable. The RTA will be approved if:

1. The unit is an eligible type of housing.
2. The unit meets HUD's housing quality standards (and any additional criteria as identified in this plan.
3. The rent is reasonable.
4. The security deposit is approval in accordance with any limitation in this plan.
5. The proposed lease complies with HUD and HACD requirements.
6. The owner is approvable, and there are no conflicts of interest.

In addition to the above, at the time a family initially receives assistance in a particular rent unit (i.e., new admissions and moves), if the gross rent for the unit exceeds the applicable payment standard for the family, the family share of the rent may not exceed 40% of the family monthly adjusted income.

Disapproval of Request for Tenancy Approval

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

The owner will be given no more than 15 calendar days to submit an approved RTA from the date of disapproval.

When, for any reason, an RTA is not approved, the HACD will furnish another RTA form to the family along with the notice of disapproval so the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING (24 CFR 982.353)

The HACD will approve any of the following types of housing in the voucher program:

- All structure types can be utilized.
- Manufactured homes where the tenant leases the mobile home and the pad.
- Manufactured homes where the tenant owns the mobile home and leases the pad.

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

The HACD may not permit a voucher holder to lease a unit which is receiving any duplicative rental subsidies.

C. LEASE REVIEW (24 CFR 982.308)

The HACD will review the lease, particularly noting whether any optional charges are approvable, and whether it is in compliance with regulations and state/local law. The tenant also must have legal capacity to enter into a lease under state and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the request for tenancy approval.

The terms and conditions of the landlord's lease must be consistent with state and local law. The lease must specify:

- The names of the owner and all tenants, and
- The address of the unit rented (including apartment number, if any), and
- The amount of monthly rent to owner, and
- The utilities and appliances to be supplied by the owner, and
- The utilities and appliances to be supplied by the family.

The HUD-prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed.

Effective September 15, 2000, the owner's lease must include the lead warning statement and disclosure information required by 24 CFR 35.92(b).

The lease must provide that drug-related criminal activity engaged in by the tenant, any household member, or any guest on or near the premises, or any person under the tenant's control on the premises is grounds to terminate tenancy.

The lease must also provide that the owner may evict the family when the owner determines that:

Any household member is illegally using a drug;

A pattern of illegal use of drug by any household member interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. The lease must provide that the following types of criminal activity by a "covered person" are grounds to terminate tenancy:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises);
- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
- Any violent criminal activity on or near the premises by a tenant, household member, or guest; or
- Any violent criminal activity on the premises by any other person under the tenant's control.

The lease must provide that the owner may terminate tenancy if a tenant is fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees or is violating a condition of probation or parole imposed under federal or state law.

House rules of the owner may be attached to the lease as an addendum, provided they are approved by the HACD to ensure they do not violate any fair housing provisions and do not conflict with the lease addendum.

Actions Before Lease Term

All of the following must be completed before the beginning of the initial term of the lease for a unit:

- The HACD has inspected the unit and has determined that the unit satisfies the HQS,
- The landlord and tenant have executed the lease,
- The HACD has approved leasing of the unit in accordance with program requirements.

D. SEPARATE AGREEMENTS

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

The family is not liable under the lease for unpaid charges for items covered by separate agreements and non-payment of these agreements cannot be cause for eviction.

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

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

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

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

E. RENT LIMITATIONS (24 CFR 982.507)

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

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

At all times during the tenancy, the rent to owner may not be more than the most current reasonable rent as determined by the HACD.

F. DISAPPROVAL OF PROPOSED RENT (24 CFR 982.502)

If the proposed gross rent is not reasonable, at the family's request, the HACD will negotiate with the owner to reduce the rent to a reasonable rent. If the rent is not affordable because the family share would be more than 40% of the family's monthly adjusted income, the HACD will negotiate with the owner to reduce the rent to an affordable rent for the family.

At the family's request, the HACD will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved by negotiations with the owner, the HACD will continue processing the request for tenancy approval and lease. If the revised rent involves a change in the provision of utilities, a new request for tenancy approval must be submitted by the owner.

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

G. INFORMATION TO OWNERS (24 CFR 982.307(b), 982.54(d)(7))

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

The HACD will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

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

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

The HACD will provide documented information regarding tenancy history for the past two (2) years to prospective landlords upon written request from the landlord.

The HACD will provide the following information based on documentation in its possession:

- Eviction history (documenting the disposition of the eviction).
- Damage to rental units, including independent verification.

The information will be provided in writing.

Only the housing supervisor may provide this information. The HACD's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

H. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the total tenant payment (TTP) prior to the effective date of the HAP contract at admission, the information will be verified and the TTP will be recalculated. If the family does not report any change, the HACD need not obtain new verifications before signing the HAP contract, unless verifications more than 60 days old.

I. CONTRACT EXECUTION PROCESS (24 CFR 982.305(c))

The HACD prepares the housing assistance payments (HAP) contract and lease for execution. The family and the owner will execute the lease agreement, and the owner and the HACD will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents. The HACD will retain a copy of all signed documents.

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

Owners must provide the current address of their residence (not a post office box). As a requested reasonable accommodation, if families lease properties owned by relatives, the owner's current address will be compared to the address of the subsidized unit.

Owners must provide a social security number.

Owners must also submit proof of ownership of the property, such as a grant deed or tax bill, or a mortgage statement (include the volume and page number from the most recent transaction in the municipal land records), and a copy of the management agreement if the property is managed by a management agent.

The owner must provide a business or home telephone number.

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

Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

INTRODUCTION

Housing quality standards (HQS) are the HUD-required minimum standards for a unit's condition. Rental units must meet HQS both at initial occupancy and during the term of the lease. HQS apply to the building and premises, as well as to the unit. All units must pass HQS inspection on or before the beginning date of the assisted lease and HAP contract.

A. GUIDELINES/TYPES OF INSPECTIONS (24 CFR 982.401(a) 982.405)

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

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the HQS inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RTA) to have the utilities turned on. The inspector will schedule and conduct a re-inspection, or the owner and tenant will both certify that the utilities are in service.

If the tenant is responsible for supplying the stove and/or the refrigerator, the HACD will allow the stove and/or the refrigerator to be placed in the unit after the inspection if, after the unit has passed all other HQS, the owner and the family certify that the appliances are in the unit and working according to HQS. The HACD will not conduct a re-inspection in that event.

There are four types of inspections the HACD will perform.

1. Initial/Move in: Conducted when the Request for Tenancy Approval has been received and accepted. Inspection must not be over 30 days old.
2. Annual: Must be conducted prior to the HAP contract anniversary date.
3. Special/Complaint: At request of owner, family or an agency or third party.
4. Quality Control: To maintain quality standards.

B. INITIAL HQS INSPECTION (24CFR 982.401(a), 982.305(b)(2))

Timely Initial HQS Inspection

The HACD will inspect the unit, determine whether the unit satisfies HQS and notify the family and the owner of the determination within a reasonable amount of time.

The HACD will conduct initial HQS inspections for the family and owner within 10 days of receipt of the RTA.

The initial inspection will be conducted to

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

If the unit fails the initial HQS inspection, the family and the owner will be advised to notify the HACD once repairs are completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as failing HQS unless, at the inspector's discretion and depending on the amount and complexity of work to be done, additional time will be given.

The owner will be allowed one re-inspection for repair work to be completed.

If unit fails initial inspection for deteriorated paint surfaces, the tenant will not be allowed to move in until corrective action has been taken and the apartment has passed inspection.

If the time period given by the inspector to correct the repairs has elapsed, or if the maximum number of failed re-inspections has occurred, the family must select another unit.

C. ANNUAL HQS INSPECTIONS (24 CFR 982.405(a))

The HACD conducts an inspection in accordance with HQS annually, at least 30 days prior to the anniversary date of the HAP contract. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a failure for which the tenant is responsible.

The family must allow the HACD to inspect the unit at reasonable times with reasonable notice. (24 CFR 982.551(d)).

The HACD will work with the tenant to accommodate the tenant's schedule.

The HACD will notify the family in writing at least 5 days prior to the inspection.

Inspection: The family is notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 7 days.

If the family does not contact the HACD to reschedule the inspection, or if the family misses two (2) inspection appointments without good cause (i.e., emergency, disability), the HACD will consider the family to have violated a family obligation and their assistance will be terminated.

Time Standards for Repairs

1. Emergency items that endanger the family's health or safety must be corrected by the owner or tenant within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs, the director may approve an extension beyond 30 days.

Rent Increases

Increases in the rent paid to the owner may not be approved if the unit is in a failed condition.

D. SPECIAL/COMPLAINT INSPECTIONS (24 CFR 982.405(c))

If at any time the family or owner notifies the HACD that the unit does not meet HQS, the HACD will conduct an inspection.

The HACD may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The HACD will inspect only the items which were reported, but if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the anniversary date is within 120 days of a special inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

E. QUALITY CONTROL INSPECTIONS (24 CFR 982.405(b))

Quality control inspections will be performed by the supervisor on the number of files required by SEMAP. The purpose of the quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in the application of the HQS.

The sampling of files chosen for quality control will include recently completed inspections (conducted within the prior three months), a cross-section of neighborhoods, and a cross-section of inspectors.

F. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS (24 CFR 982.401(a))

The HACD adheres to the acceptability criteria in the program regulations and HUD inspection booklet with the additions described below:

Security:

If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring the family is instructed on the use of the quick release system.

Owners are responsible for providing and replacing old batteries for battery-powered units. Tenants will be instructed not to tamper with smoke detectors or remove batteries under penalty of law.

Ground Fault Circuit Interrupters (GFCI) are required as indicated in the local city building code.

Bedrooms:

Bedrooms in basements or attics are not allowed unless they meet local code requirements and must have adequate ventilation and emergency exit capability.

Bedrooms, or rooms to be used for sleeping, must be at least 70 square feet in size, excluding any projections.

Modifications:

Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.

Admittance to Basement:

Owners are required to allow the inspector access to the basement to inspect the heating system. If the owner does not allow access he/she may instead present a safety inspection certificate from a local public agency or evidence that the heating equipment was serviced and is in good working order. The evidence of service or inspection must not be over one year old.

G. EMERGENCY REPAIR ITEMS (24 CFR 982.404(a))

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No heat between November 1st and April 15th
- Lack of functioning toilet
- Non-operational smoke detector

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the HACD.

If the emergency repair item(s) are not corrected in the time period required by the HACD, and the owner is responsible the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the HACD, and it is an HQS breach which is a family obligation, the HACD will terminate the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health threat and will be treated by the HACD as an emergency (24 hour) fail item.

H. CONSEQUENCIES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS) (24 CFR 982.405, 982.453)

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) he will be notified in writing of the HQS violation(s). If the owner does not make the corrections in the time period specified by the HACD, the assistance payment to the owner will be abated.

Suspension of Housing Assistance Payments

A notice of suspension will be sent to the owner, and abatement will be effective as of the first of the following month.

The HACD will inspect units under suspension within 5 days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection. This pro-rated portion of the HAP will be included with the next month's payment.

The family will be notified of the reinspection date.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of suspension states that the tenant is not responsible for the HACD's portion of rent that is abated.

Extension of Time to Complete Repairs

The HACD will grant an extension in lieu of abatement in the following cases:

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

The extension will be made for a period to be determined by the HACD. At the end of that time, if the work is not completed, the HACD will begin the abatement.

Termination of Contract

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

If repairs are completed before the effective termination date, the termination will be rescinded by the HACD if the tenant chooses to remain in the unit. Only one Housing Quality Standards inspection will be conducted after the termination notice is issued.

I. DETERMINATION OF RESPONSIBILITY (24 CFR 982.404)

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service.
- Failure to provide or maintain family-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear. "Normal wear and tear" is defined as items that could not be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits.

If, however, such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The HACD may terminate the family's assistance on that basis.

If the family is responsible and the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE (24 CFR 982.404(b))

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the HACD will require the family make any repair(s) or corrections with 30 days of

notice for non-emergency violations and 24 hours of notice for emergency violations. If the repair(s) or correction(s) are not made in this time period, the HACD will terminate assistance to the family. Extensions in these cases must be approved by a supervisor. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated. The landlord will be notified 30 days prior to termination.

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

INTRODUCTION

It is the responsibility of the HACD to ensure that rents charged by the owners of units occupied by program participants are reasonable based upon a comparison with rents charged by the owners of comparable unassisted units in the rental market.

A. RENT TO OWNER

The amount of rent paid to an owner (i.e., the rent to owner, or the contract rent) is limited only by rent reasonableness. The HACD must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy. At the time when a family initially receives assistance, if the gross rent (i.e., the contract rent plus the amount of the utility allowance) for the unit exceeds the applicable payment standard for the family, the family share may not exceed 40% of the family's monthly adjusted income.

During the initial term of the lease, the owner may not raise the rent.

B. MAKING PAYMENTS TO OWNERS (24 CFR 982.451)

Once the HAP contract is executed, the HACD begins processing housing assistance payments to the landlord. The effective date and the amount of the HAP are communicated by letter to both the landlord and tenant. A HAP register will be used as the basis for monitoring the accuracy and timeliness of payments. Changes are made to the HAP register for the following month. Checks are disbursed by the HACD to the owner each month.

Checks that are not received will not be replaced until a written request has been received from the payee and a stop payment has been put on the check.

Excess Payments

The total of rent paid by the tenant plus the housing assistance payment made by the HACD to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the HACD.

Late Payments to Owners

The HACD will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the control of the HACD, such as a delay in the receipt of program funds from HUD. The HACD will use administrative fee income or the

administrative fee reserve as its only source for any late payment penalty paid to an owner. The HACD will not use any program funds for the payment of late fee penalties to the owner.

Rent Increases

The owner is required to notify the HACD in writing at least 60 days before any change in the amount of rent to owner is scheduled to go into effect. Any requested change in rent to owner will be subject to rent reasonableness requirements.

C. RENT REASONABLENESS DETERMINATIONS (24 CFR 982.507)

The HACD will determine and document on a case-by-case basis that the rent approved for a unit is reasonable in comparison with rent charged for other comparable unassisted units in the market.

The HACD will not approve a lease until it determines that the initial rent to owner is a reasonable rent. The HACD must redetermine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published fair market rent (FMR) in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The HACD must redetermine rent reasonableness if directed by HUD and based on a need identified by the HACD's auditing system. The HACD may elect to redetermine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the HACD.

The owner will be advised that by accepting each monthly housing assistance payment, she or he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the HACD information on rents charged for other units in the premises or elsewhere. The data for other unassisted units will be gathered from newspapers, realtors, professional associations, inquires to owners, market surveys, and other available sources.

The following items will be used for rent reasonableness documentation:

- Size (number of bedrooms/square footage)
- Location
- Quality
- Age of unit
- Unit type
- Utilities
- Amenities

Rent Reasonableness Methodology

Information is gathered on rental units throughout the jurisdiction and each unit is rated using the HACD's rent reasonableness system. The average rents are identified for units of like size and type within the same neighborhood. Each defined factor of the items listed above on the unit to be assisted will be compared to those of comparable unassisted units in the database.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM (24 CFR 982.503)

The payment standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulations and with HACD Board of Commissioners approval, the HACD will keep the voucher payment standard between 90 and 110 percent of the HUD published FMR. The HACD reviews the appropriateness of the payment standard annually. In determining whether a change is needed, the HACD will ensure that the payment standard is always within the basic range of 90 to 110 percent, unless an exception payment standard has been approved by HUD. The HACD shall

The HACD will establish a single voucher payment standard amount for each FMR area in the HACD jurisdiction. For each FMR area, the HACD will establish payment standard amounts for each unit size (as determined by the number of bedrooms in a unit). The HACD may have a higher payment standard within the jurisdiction if it is needed to expand housing opportunities outside areas of minority or poverty concentration, as long as the payment standard is within the HUD range – 90 to 110% of FMR.

The HACD may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with a disability or disabilities.

E. ADJUSTMENTS TO PAYMENT STANDARDS (24 CFR 982.503)

Payment standards may be adjusted, within HUD regulatory limitations, to increase housing assistance payments in order to keep families' rents affordable. The HACD will not raise payment standards solely to make "high end" units available to voucher holders. The HACD may use some or all of the measures noted below in making its determination as to whether an adjustment should be made to the payment standards.

Assisted Families' Rent Burdens

The HACD will review its voucher payment standard amounts at least annually to determine whether a large number of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

If it is determined that particular unit sizes in the HACD's jurisdiction have payment standard amounts that are creating rent burdens for families, the HACD will modify its payment standards for those particular unit sizes. The HACD will establish a separate voucher payment standard, within the basic range, for designated parts of its jurisdiction if it determines that a

higher payment standard is needed in those designated areas to provide families with quality housing choices and to give families an opportunity to move outside areas of concentration of high poverty and low income.

Rent to Owner Increases

The HACD may review a sample of unassisted units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

The HACD may consider the average time period for families to lease up under the program. If many voucher-holders are unable to locate suitable housing within the initial term of the voucher and the HACD determines that this is due to rents in the jurisdiction being unaffordable for families even with the presence of a voucher, the payment standard may be adjusted. The HACD will maintain records of those families who were unsuccessful in finding units within the timeframe allowed by the HACD.

Lowering of the Payment Standard

Lowering the FMR may require an adjustment of the payment standard. Additionally, statistical analysis may reveal that the payment standard should be lowered. In any case, the payment standard will not be set below 90% of the FMR without authorization from HUD and approval of the HACD's Board of Commissioners.

Financial Feasibility

Before increasing the payment standard, the HACD will review the budget to determine the impact that projected subsidy increases would have on the funding available for the program and on the number of families served.

F. EXCEPTION PAYMENT STANDARD

If the dwelling unit is located in an exception area, the HACD must use the appropriate payment standard amount established by the HACD for the exception area.

Chapter 12

RE-EXAMINATIONS

INTRODUCTION

In accordance with HUD requirements, the HACD will re-examine the income and household composition of all families at least annually. Families will be provided with accurate annual and interim rent adjustments. Re-examinations and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increase.

A. ANNUAL ACTIVITIES (24 CFR 982.516, 982.405)

There are two activities the HACD must conduct on an annual basis: Re-examination of income and family composition and HQS inspection. These activities will be coordinated around the anniversary date of the HAP contract.

The HACD produces a monthly listing of assisted units under contract to ensure that timely reviews of housing quality and of factors related to total tenant payment/family share can be made.

Reexamination of the family's income and composition must be conducted at least annually.

B. ANNUAL RECERTIFICATION/REEXAMINATION (24 CFR 982.516)

Families are required to be reexamined at least annually. The head of household and any family members 18 or older must complete and sign all required documents.

Moves Between Reexaminations

When families move to another dwelling unit an annual reexamination will be schedule (unless a reexamination has occurred in the last 120 days) and/or the anniversary date will be change.

Income limits are not used as a test for continued eligibility at reexamination.

Reexamination Notice to the Family

The HACD will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 120 days in advance of the anniversary date of their lease and the Housing Assistance Payment contract. If requested as an accommodation by a person with a disability, the HACD will provide the notice in an accessible format. The HACD will also mail the notice to a third party, if requested as a reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Completion of Annual Reexamination

The HACD will have all reexaminations for families completed before the anniversary date. This includes notifying the family of any change in rent at least 30 days before the scheduled date of the change in family rent.

Collection of Information (24 CFR 982.516(f))

The HACD has established appropriate reexamination procedures necessary to ensure that the income data provided by families is complete and accurate.

The HACD will require the family to complete a personal declaration form prior to all reexamination interviews. The family will be given no more than 30 days to complete the personal declaration form and return it.

Requirements to Attend

Only the head or co-head of household will be required to attend the reexamination interview. If the head of the household is unable to attend the interview, the appointment will be rescheduled.

Failure to Respond to Notification to Reexamine

The written notification must state which family member is required to attend the interview. The family may call to request another appointment date up to 24 hours prior to the interview.

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

If the family fails to appear for the second appointment and has not rescheduled or made other prior arrangements, the HACD will send the family notice of termination and offer them an informal hearing.

Exceptions to this policy may be made if the family is able to document an emergency situation that prevented it from canceling or attending the appointment, or if requested as a reasonable accommodation for a person with a disability.

Documents Required From the Family

In the notification letter to the family, the HACD will include instructions for the family to bring documentation of all liquid and non-liquid assets to the reexamination, as well as any additional information that may affect the family's reexamination status.

Verification of Information

The HACD will follow the verification procedures and guidelines described in this plan. Verifications for reexaminations must be less than 120 days old.

Rent Increase

If rent increases, a thirty day notice is mailed to the family prior to the annual reexamination date.

If less than thirty days are remaining before the scheduled effective date of the annual reexamination, the tenant rent increase will be effective on the first of the month following the 30-day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be retroactive increase in rent to the anniversary date.

Rent Decreases

If rent decreases as a result of an annual reexamination, it will be effective on the anniversary date or the first day of the month following completion of the reexamination process, whichever is sooner.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the HACD.

C. REPORTING INTERIM CHANGES (24 CFR 982.516)

Program participants must report all changes in household composition to the HACD between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HACD approval prior to all other additions to the household.

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

The U. S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular reexamination after moving into the unit.

Interim Reexamination Policy

The HACD will conduct interim reexaminations when families have an increase in income. Families will be required to report all increases in income or assets within 30 days of the increase.

Families will be required to report increases in income of more than \$100.00 per month.

Decreases in Income

Participants may report a decrease in income and other changes which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The change which may result in a rent decrease must be calculated by the HACD within a reasonable time after the request.

HACD Errors

If the HACD makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

D. OTHER INTERIM REPORTING ISSUES

An interim reexamination does not affect the date of the annual reexamination.

An interim reexamination will be scheduled and conducted for families with zero income every 90 days.

In the following circumstances, the HACD may conduct the interim reexamination by mail:

1. Changes that will not result in a change in tenant rent or voucher size;
2. Changes in income that are normal for the family, such as seasonal employment;
3. As a reasonable accommodation when requested.

Any changes reported by participants other than those listed in this section will be noted in the file but will not be processed between regularly scheduled annual reexaminations.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS (24 CFR 5.615)

The HACD will not reduce the family share of the rent for families whose welfare assistance is reduced due to a "specified welfare benefit reduction", which is a reduction in benefits by the welfare agency specifically because of fraud in connection with the welfare program, or non-

compliance with a welfare agency requirement to participate in an economic self-sufficiency program.

However, the HACD will reduce the rent if the welfare assistance reduction is a result of the expiration of a lifetime time limit on receiving benefits, or a situation where the family has complied with welfare program requirements but cannot or has not obtained employment, or a situation where a family member has not complied with other welfare agency requirements.

The family's annual income will include the imputed welfare income, as determined at the family's annual or interim reexamination, during the term of welfare benefits reduction (as specified by the welfare agency).

Definition of Covered Family

A covered family is a household that receives benefits for welfare or public assistance from a state or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of "Imputed Welfare Income"

Imputed welfare income is the amount of annual income not actually received by a family (as a result of a specified welfare benefit reduction) that is included in the family's income for purposes of determining rent.

The amount of imputed welfare income is determined by the HACD, based on written information supplied to the HACD by the welfare agency, including:

- The amount of the benefit reduction.
- The term of the benefit reduction
- The reason for the reduction.
- Subsequent changes in the term or amount of the benefit reduction.

The family's annual income will include the imputed welfare income as determined at the family's annual or interim reexamination (during the term of the welfare benefits reduction, as specified by the welfare agency).

The amount of imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was or is imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted resident when the welfare sanction began, imputed welfare income will not be included in annual income.

If the family claims the amount of imputed welfare income has been calculated incorrectly, the housing supervisor will review the calculation for accuracy. If the imputed welfare income

amount is correct, the HACD will provide a written notice to the family that includes a brief explanation of how the amount of imputed welfare income was determined, and a statement that the family may request an informal hearing if they do not agree with the HACD determination.

Verification Before Denying A Request to Reduce Rent

The HACD will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements before denying the family's request for rent reduction.

The HACD will rely on the welfare agency's written notice to the HACD regarding welfare sanctions.

Cooperation Agreements (24 CFR 5.613)

The HACD will rely on the welfare agency's written notice regarding the amount of specified benefit reduction.

Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of imputed income and the HACD denies the family's request to modify the amount, the HACD will provide the tenant with a notice of denial, which will include an explanation for the HACD's determination of the amount of imputed welfare income, and a statement that the tenant may request an informal hearing.

F. NOTIFICATION OF RESULTS OF REEXAMINATION

The HUD Form 50058 will be completed and transmitted as required by HUD.

The notice of rent adjustment is mailed to the owner and the tenant. Signatures are not required by the HACD. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS (24 CFR 982.516(c))

Standard for Timely Reporting of Changes

The HACD requires that families report interim changes to the HACD within 30 days of when the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided within 30 days of the change.

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

Procedures When the Change is Reported in a Timely Manner

The HACD will notify the family and the owner of any change in the HAP to be effective according to the following guidelines:

Increases in rent are effective on the first of the month following at least 30 days notice.

Decreases in rent are effective the first of the month following that in which the change is reported. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

Procedures When the Change is not Reported by the participant in a Timely Manner

If the family does not report the change as described under “Timely Reporting of Changes in Income and Assets,” above, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

An increase in tenant rent will be effective retroactive to the date on which it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a repayment agreement or make a lump sum repayment.

A decrease in tenant rent will be effective on the first of the month following the month in which the change was reported.

Procedures When the Change is Not Reported in a Timely Manner

“Processed in a timely manner” means that the change goes into effect on the date it should when the family reports the change in a timely manner, as described above. If the change is not made effective on that date, the change is not processed by the HACD in a timely manner.

In this case, an increase will be effective after the required thirty days’ notice prior to the first of the month after completion of processing by the HACD.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective and the family will be credited for the amount.

H. CONTINUANCE OF ASSISTANCE FOR “MIXED” FAMILIES (24 CFR 5.518)

Under the non-citizens rule, “mixed” families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

“Mixed” families who were participants as of June 19, 1995 shall continue receiving full assistance if they meet all of the following criteria:

1. The HACD implemented the non-citizens rule prior to November 29, 1996, and
2. The head of household or spouse is a U. S. citizen or has eligible immigrant status, and
3. All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants.

I. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the HACD may terminate assistance and may refer the family file to the proper authorities for appropriate disposition.

Chapter 13

ENTERPRISE INCOME VERIFICATION REPORTS

A. USING EIV REPORTS

HACD staff shall use the EIV system in its entirety to further assist in reducing subsidy payment errors. In doing so, the following reports shall be reviewed not less than once per month:

1. EIV Income Report: as a third party source to verify a tenant's employment and income during mandatory recertifications (annual and interim) of family composition and income.
2. Income Discrepancy Report: to identify households where there is a difference of \$2,400 or more annually in the wages, unemployment compensation and/or Social Security benefit income reported.
3. New Hires Report: to identify tenants who have started new jobs within the last six months.
4. No Income Report: to identify tenants who passed the identity match against SSA's records but no employment or income information was received from the match.
5. Existing Tenant Search: to identify applicants applying for assisted housing that may be receiving rental assistance at the time of application processing at another location.
6. Multiple Subsidy Report: to identify individuals who may be receiving multiple rental subsidies.
7. Identity Verification Reports: to clear up any invalid, discrepant or missing information in the PIC/TRACS database that was not identified and corrected at the time of recertification.
8. Deceased Tenants Report: to identify tenants who are participating in one of Public Housing or Multifamily Housing's rental assistance programs who are reported by SSA as being deceased.

B. New Admissions

For all new admissions, HACD shall:

1. Review the Income Report within 90 days after transmission of the move-in certification to TRACS or the new admission certification to PIC to confirm/validate the income reported by the household.
2. Resolve any income discrepancies with the household within 30 days of the Income Report date.

3. Print and retain the Income Report in the tenant file along with any documentation received to resolve income discrepancies, if applicable.

All reports shall be maintained in the tenant file where applicable, or in a secured file cabinet for authorized use only.

Chapter 14

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

INTRODUCTION

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

A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if:

1. The assisted lease for the old unit has terminated because the HACD has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner) for owner breach or otherwise.

For a family to be considered "continually assisted" once the HACD has terminated the HAP contract, the family has a maximum of 15 days from receipt of written notice to schedule an appointment with the HACD and be issued a voucher.

B. RESTRICTIONS ON MOVES (24 CFR 982.314, 982.552(a))

Families will not be permitted to move within the HACD's jurisdiction during the initial term of assisted occupancy.

Families will not be permitted to move outside the HACD's jurisdiction under portability procedures during the initial term of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

The HACD will deny permission to move if there is insufficient funding for continued assistance.

The HACD will deny permission to move if:

The family has violated a family obligation.

The family owes the HACD money

The family has moved or been issued a voucher within the last 12 months.

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

C. PROCEDURE FOR MOVES (24 CFR 982.314)

Issuance of Voucher

Subject to the restrictions on moves, if the family has not been reexamined within the last 120 days, the HACD will issue the voucher to move as soon as the family requests the move.

If the family does not locate a new unit, the family will not lose its assistance and may remain in the current unit so long as the owner permits and there is a HAP contract in place.

The annual reexamination date will be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions should emphasize the family's responsibility to give the owner and the HACD proper written notice of any intent to move.

The family must give the owner the required number of days written notice of intent to vacate as specified in the lease and must give a copy to the HACD simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease mid-month. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

D. PORTABILITY (24 CFR 982.353, 982.355)

Portability applies to families moving out of or into the HACD's jurisdiction, within the United States and its territories.

E. OUTGOING PORTABILITY (24 CFR 982.353, 982.355)

Within the limitations of the regulations and this policy, a participant family has the right to receive voucher assistance to lease a unit outside the HACD's jurisdiction, anywhere in the United States, in the jurisdiction of a receiving HACD with a housing choice voucher program. When a family requests to move outside of the HACD's jurisdiction, the request must specify the area to which the family wants to move.

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

Restrictions on Portability

Applicants

If neither the head nor the spouse had a domicile (i.e., a legal residence) in the HACD's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon issuance of a voucher, unless the HACD approves such move.

For a portable family that was not already receiving assistance in the HACD's voucher program, the HACD must determine whether the family is eligible for admission under the receiving HACD's program.

Participants

After an applicant has leased-up in the jurisdiction of the HACD, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances: The receiving and initial HACD agree to allow the move, and the family's move relates to an opportunity for education, job training or employment.

The HACD will not permit families to exercise portability if the family is in violation of a family obligation, the family owes money to the HACD, or if the family has moved out of its assisted unit in violation of the lease.

F. INCOMING PORTABILITY (24 CFR 982.354, 982.355)

Absorption or Administration

The HACD will accept a family with a valid voucher from another jurisdiction and will either administer or absorb the voucher. If the receiving HACD is administering, the family will be issued a voucher by the receiving HACD. The term of the voucher will not expire before the expiration date of any initial HACD voucher. The family must submit a request for tenancy approval for an eligible unit to the receiving HACD during the term of the receiving HACD voucher. The receiving HACD may grant extensions in accordance with this administrative plan. However, if the family decides not to lease up in the HACD's jurisdiction, they must contact the initial HACD to request an extension.

When the HACD does not absorb the incoming voucher, it will administer the initial HACD's voucher and the receiving HACD's policies will prevail.

For admission to the program a family must be income-eligible in the area where the family initially leases a unit with assistance under the program.

The receiving HACD does not redetermine eligibility for a portable family that was already receiving assistance in the initial HACD's Section 8 voucher program.

The HACD will issue a voucher according to its own subsidy standards. If the family has a change in family composition which would change the voucher size, the HACD will change to the proper size based on its own subsidy standards.

Income and Total Tenant Payment of Incoming Portables (24 CFR 982.353(d))

As the receiving HACD, the HACD will conduct a reexamination interview but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family's circumstances.

If the HACD conducts a reexamination of the family it will not cause a delay in the issuance of a voucher.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the HACD's jurisdiction, the HACD will refuse to enter into a contract on behalf of the family at \$0 assistance.

Request for Tenancy Approval

A briefing will be mandatory for all portability families.

When the family submits an RTA, it will be processed using the HACD's policies. If the family does not submit an RTA or does not execute a lease, the initial HACD will be notified before the expiration of the voucher.

If the family leases up successfully, the receiving HACD will notify the initial HACD within 60 days and the bill process will commence.

The receiving HACD will notify the initial HACD if the family fails to submit an RTA for an eligible unit within the term of the voucher.

If the HACD denies assistance to the family, the receiving HACD will notify the initial HACD within 60 days and the family will be offered a review or hearing.

The receiving HACD will notify the family of its responsibility to contact the initial HACD if the family wishes to move outside the receiving HACD's jurisdiction under continued portability.

Regular Program Functions

The receiving HACD will perform all applicable program functions such as annual reexamination of family income and composition, annual HQS inspection of the unit, and interim examinations when requested or deemed necessary by the receiving HACD.

Terminations

The receiving HACD will notify the initial HACD in writing of any termination of assistance within 30 days of the termination. If an informal hearing is required and requested by the family, the hearing will be conducted by the receiving HACD, using the regular hearing procedures included in this plan. A copy of the hearing decision will be furnished to the initial HACD.

The initial HACD will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial HACD notifies the receiving HACD that the family is in arrears or the family has refused to sign a repayment agreement, the receiving HACD will terminate assistance to the family.

Required Documents

As the receiving HACD, this HACD will require the documents listed on the HUD portability billing form from the initial HACD.

Billing Procedures

As the receiving HACD, the HACD will bill the initial HACD monthly for housing assistance payments. The billing cycle for other amounts including administrative fees and special claims will also be monthly, unless otherwise requested by the initial HACD.

As receiving HACD, this HACD will bill 100% of the housing assistance payment, 100% of special claims and 80% of the initial HACD's administrative fee as indicated in the Federal Register's Annual factors for Determining HACD Ongoing Fees, for each "portability" voucher leased as of the first day of the month.

As receiving HACD, this HACD will notify the initial HACD of changes in subsidy amounts and will expect the initial HACD to notify the receiving HACD of changes in the administrative fee amount to be billed.

Chapter 15

CONTRACT TERMINATIONS

INTRODUCTION

This chapter describes the circumstances under which the contract can be terminated by the HACD and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION (24 CFR 982.311)

The term of the HAP contract is the same as the term of the lease. The HAP contract between the owner and the HACD may be terminated by the action of the HACD, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the HACD to the owner after the month in which the HAP contract is terminated. The owner must reimburse the HACD for any subsidies paid in error by the HACD for any period after the contract termination date.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES (24 CFR 982.314(c)(2))

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS (24 CFR 982.310, 982.455)

If the owner wishes to terminate the lease, the owner must provide proper notice as stated in the lease.

During the term of the lease, the owner may not terminate tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:

Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;

Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or criminal activity by the tenant, any member of

the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises, or any drug-related criminal activity on or near the premises.

Other good cause.

During the initial term of the lease, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do.

Evidence of Criminal Activity

The owner may terminate tenancy and evict a family by judicial action for criminal activity by a covered person if the owner determines that the covered person has engaged in the criminal activity regardless of arrest or conviction and/or without satisfying the standard of proof used for a criminal conviction.

Termination of Tenancy Decisions

If the law and regulation permit the owner to take an action but do not require action to be taken, the owner can decide whether to take the action. Relevant circumstances for consideration include:

- The seriousness of the offense
- The effect on the community
- The extent of participation by household members
- The effect on uninvolved household members
- The demand for assisted housing by families who will adhere to responsibilities.
- The extent to which the leasehold has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action.
- The effect on the integrity of the program.

Exclusion of Culpable Household Member

The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit.

Consideration of Rehabilitation

When determining whether to terminate tenancy for illegal drug use or alcohol abuse, the owner may consider whether the member:

- Is no longer participating
- Has successfully completed a supervised drug or alcohol rehab program
- Has otherwise been successfully rehabilitated.

The owner may require the tenant to submit evidence of any of the three actions listed above. Termination by the owner must be considered with fair housing and equal opportunities as stated in 24 CFR 5.105.

The owner must provide the tenant with a written notice specifying the grounds for termination of tenant, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under state or local law to commence an eviction action.

Housing assistance payments are paid to the owner under the terms of the HAP contract. If the owner has begun eviction and the family continues to reside in the unit, the HACD must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The HACD must continue making housing assistance payments to the owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By endorsing the monthly check from the HACD, the owner certifies that the tenant is still in the unit, that the rent is reasonable and that the tenant is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the HACD has no other grounds for termination of assistance, the HACD may issue a new voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY HACD (24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3))

The term of the HAP contract terminates when the lease terminates, when the HACD terminates program assistance for the family, or when the owner has breached the HAP contract.

The HACD may also terminate the contract if the HACD terminates assistance to the family, the family is required to move from a unit when the unit does not meet the HQS space standards because of an increase in family size or a change in family composition, or funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment has been made to the owner.

Notice of Termination

When the HACD terminates the HAP contract under the violation of HQS space standards, the HACD will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which the HACD gives such notice to the owner.

Chapter 16

DENIAL OR TERMINATION OF ASSISTANCE

INTRODUCTION

The HACD may deny or terminate assistance for a family because of the family's action or failure to act. The HACD will provide families with a written description of the family obligations under the program, the grounds under which the HACD can deny or terminate assistance, and the HACD's informal hearing procedures.

A. GROUNDINGS FOR DENIAL OR TERMINATION (24 CFR 982.54, 982.552, 982.553)

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

Form of Denial or Termination

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

1. Denial of placement on the HACD waiting list
2. Denying or withdrawing a voucher;
3. Refusing to enter into a HAP contract or approve tenancy;
4. Refusing to process or provide assistance under portability procedures.

Termination of assistance for a participant may include any or all of the following:

1. Refusing to enter into a HAP contract or approve tenancy;
2. Terminating housing assistance payments under an outstanding HAP contract; and
3. Refusing to process or provide assistance under portability procedures

Mandatory Denial and Termination (24 CFR 982.54(d), 982.552(b), 982.553(a), 982.553(b))

The HACD must deny assistance to applicants and terminate assistance for program participants if the family is under contract and 180 days (or 6 months, depending on the HAP contract used) have elapsed since the HACD's last housing assistance payment was made.

The HACD must deny assistance to applicants and terminate assistance to program participants convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.

The HACD must deny admission to the program for applicants and terminate assistance for program participants if the HACD determines that any household member is currently engaging in illegal use of a drug.

The HACD must deny admission to the program for applicants and terminate assistance for program participants if the HACD determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

The HACD must deny admission to the program for applicants if the HACD determines that any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The HACD must terminate program assistance for a family evicted from housing assisted under the voucher program for serious violation of the lease.

The HACD must deny admission to the program for an applicant or terminate assistance for a program participant if any member of the family fails to sign and submit consent forms for obtaining information.

The HACD must deny admission to the program for applicants or terminate program assistance when required under the regulations to establish citizenship or eligible immigration status.

Grounds for Denial or Termination of Assistance (24 CFR 982.552(c))

The HACD will deny program assistance for an applicant or terminate program assistance for a participant for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551.
- Any family member violates the family obligation under 24 CFR 982.551 not to engage in any drug-related activity
- Any family member violates the family obligation under 24 CFR 982.551 not to engage in any violent criminal activity
- Any family member has been evicted or terminated from federally assisted housing in the last three (3) years.
- Any family member commits fraud, bribery or any other corrupt criminal act in connection with any federal housing program.
- The family currently owes rent or other amounts to the HACD or to another HACD in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any HACD for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breaches an agreement with a HACD to pay amounts owed to a HACD, or amounts paid to an owner by a HACD. At its discretion, the HACD may offer the family the opportunity to enter into a repayment agreement.
- The family participating in an FSS program fails to comply, without good cause, with the family's FSS contract of participation.

- Any member of the family engages in drug or alcohol abuse which interferes with the health, safety or peaceful enjoyment of other residents.
- Any member of the family commits drug-related criminal activity or violent criminal activity.
- The family has threatened or engaged in abusive or violent behavior toward HACD personnel. “Threatening” refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence. “Abusive or violent behavior towards HACD personnel” includes verbal as well as physical abuse or violence. Use of expletives that are generally
- Considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate may be cause for termination or denial.
- Actual physical abuse or violence will always be cause for termination

B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Administration

All screening procedures shall be administered fairly and in such a way as to not violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, gender or other legally protected groups.

Screening of Applicants

In an effort to prevent future drug-related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, the HACD will endeavor to screen applicants as thoroughly and fairly as possible.

Such screening will apply to any member of the household who is 18 years of age or older, or who is an emancipated minor.

HUD Definitions

Covered person, for purposes of 24 CFR 982 and this chapter, means a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Guest, for purposes of this chapter and 24 CFR part 5, Subpart A and 24 CFR 982 means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to do so on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

Household, for the purposes of 24 CFR 982 and this chapter, means the family and any HACD-approved live-in aide(s).

Other person under the tenant's control, for the purposes of the definition of *covered person* and for 24 CFR Parts 5 and 982 and for this chapter, means that the person, although not staying as a guest (as defined in this chapter) in the unit, is (or was at the time of the activity in question) on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Standard for Violation

The HACD will deny participation in the program to applicants and terminate assistance to participants in cases where the HACD determines there is reasonable cause to believe that a household member is illegally using a drug or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the HACD determines that there is a pattern of illegal use of a drug or a pattern of alcohol abuse.

Engaged in or engaging in violent criminal activity means any act within the past 3 years by an applicant or participant or household member which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonable likely to cause, serious bodily injury or property damage, which resulted in the arrest and/or conviction of the applicant, participant, or household member.

In evaluating evidence of negative past behavior, the HACD will give fair consideration to the seriousness of the activity with respect to how it would affect other residents and/or the likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Drug-Related and Violent Criminal Activity

Ineligibility for Admission if Evicted or Terminated for Drug-Related Activity: Persons evicted or terminated from federally assisted housing because of drug-related criminal activity are ineligible for admission to the Section 8 program for a three year period beginning on the date of such eviction/termination.

However, the household may be admitted if, after considering the individual circumstances of the household, the HACD determines that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation

program approved by the HACD or the circumstances leading to eviction no longer exist because the criminal household member has died or is imprisoned.

Applicants will be denied assistance if they have been arrested for or convicted of violent criminal activity within the last three (3) years prior to the date of the certification interview.

Denial of Assistance for Sex Offenders

The HACD will deny admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In screening applicants, the HACD will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement.

Termination of Assistance for Participants

Termination of Assistance for Drug-Related Criminal Activity or Violent Criminal Activity:

Under the family obligations listed at 24 CFR 982.551, the members of the household must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Assistance will be terminated for participants who have been arrested for or convicted of drug-related or violent criminal activity during participation in the program, or who have been evicted or terminated from a unit assisted under any federally assisted housing program within the last three (3) years prior to the date of the notice to terminate assistance.

If any member of the household violates the family obligations by engaging in drug-related or violent criminal activity, the HACD will terminate assistance.

In appropriate cases, the HACD may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HACD may consider individual circumstances with the advice of juvenile court officials.

The HACD will waive the requirement regarding drug-related criminal activity if the person demonstrates successful completion of a credible rehabilitation program approved by the HACD, or the circumstances leading to the violation no longer exist because the person who engaged in drug-related criminal activity or violent criminal activity is no longer in the household due to death or incarceration.

Terminating Assistance for Alcohol Abuse by Household Members

Under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if the HACD determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

In appropriate cases, the HACD may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HACD may consider individual circumstances with the advice of juvenile court officials.

Required Evidence

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

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of arrest warrants and/or drug raids.

Confidentiality of Criminal Records

The HACD will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

C. FAMILY OBLIGATIONS (24 CFR 982.551)

- a. The family must supply any information that the HACD or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. "Information" includes any requested certification, release or other documentation.
- b. The family must supply any information requested by the HACD or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
- c. The family must disclose and verify Social Security numbers and must sign and submit consent forms for obtaining information.

- d. All information supplied by the family must be true and complete.
- e. The family is responsible for an HQS breach caused by the family.
- f. The family must allow the HACD to inspect the unit at reasonable times and after reasonable notice.
- g. The family may not commit any serious or repeated violations of the lease.
- h. The family must notify the owner and, at the same time, notify the HACD before the family moves out of the unit or terminates the lease upon notice to the owner.
- i. The family must promptly give the HACD copy of any owner eviction notice.
- j. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- k. The composition of the assisted family residing in the unit must be approved by the HACD. The family must promptly inform the HACD of the birth, adoption or court-awarded custody of a child. The family must request HACD approval to add any other family member as an occupant of the unit.
- l. The family must promptly notify the HACD if any family member no longer resides in the unit.
- m. If the HACD has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or HACD approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
- n. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
- o. The family must not sublease or let the unit.
- p. The family must not assign the lease or transfer the unit.
- q. The family must supply any information or certification requested by the HACD to verify that the family is living in the unit, or relating to family absence from the unit, including any HACD-requested information or certification on the purposes of family absences. The family must cooperate with the HACD for this purpose. The family must promptly notify the HACD of absence from the unit.
- r. The family must not own or have any interest in the unit.
- s. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with this program.
- t. The household members may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- u. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- v. An assisted family, or members of the family, may not receive Section 8 voucher assistance while receiving another housing subsidy, for the same unit or for a different unit, under any federal, state or local housing assistance program determined by HUD or in accordance with HUD requirements to be duplicative.

Housing Authority Discretion (24 CFR 982.552(c))

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HACD has discretion to consider all the circumstances in each case, including the seriousness of the case. The HACD will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The HACD may also review the family's recent history and record of compliance, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

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

Enforcing Family Obligations

Explanations and Terms

The term "promptly" when used in the family obligations always means "within 10 days."

Denial or termination of assistance is always optional except where this plan or the regulations state otherwise.

HQS Breach: The HACD will determine if an HQS breach is the responsibility of the family. Families may be given extensions by the HACD to cure HQS breaches.

Lease Violations: The following criteria will be used to decide if a serious or repeated violation of the lease has occurred which will result in termination of assistance:

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

If there are police reports, neighborhood complaints or other third party information that has been verified by the HACD.

Notification of Eviction: If the family requests assistance to move and they did not notify the HACD of an eviction within 10 days of receiving the notice of lease termination, the move will be denied.

Proposed Additions to the Family: The HACD will deny a family's request to add additional family members who are:

- Persons who have been evicted or terminated from federally assisted housing within the past three (3) years
- Persons who have previously violated a family obligation

- Persons who have committed drug-related criminal activity or violent criminal activity within the past three (3) years
- Persons who do not meet the HACD's definition of a family
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Persons who currently owe rent or other amounts to the HACD or to another HACD in connection with housing under the 1937 Act.
- Persons who have engaged in or threatened abusive or violent behavior toward HACD personnel.

Family Members Move-Out: Families are required to notify the HACD if any family member leaves the assisted household. When the family notifies the HACD, they must furnish the following information:

- The date the family member moved out.
- The new address, if know, of the family member.
- A statement as to whether the family member is temporarily or permanently absent.

Limitation on Profit-Making Activity in Unit: If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom (utilized for a business) which is not available for sleeping, it will be considered a violation. If the HACD determines that the use of the unit as a business is not incidental to use as a dwelling unit, it will be considered a violation. If the HACD determines the business is not legal, it will be considered a violation.

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

Fraud: In each case, the HACD will consider which family members were involved, the circumstances and any hardship that might be caused to innocent members.

D PROCEDURES FOR NON-CITIZENS (24 CFR 5.514, 5.516, 5.518)

Denial or Termination Due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U. S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The PHA must offer the family an opportunity for a hearing.

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

False or Incomplete Information

If the individual is unable to verify his or her citizenship, the HACD will give him or her an opportunity to provide a new declaration as an eligible immigrant or an opportunity to elect not to contend his or her status.

The HACD will then verify eligible status, deny, terminate or pro rate as applicable.

The HACD will deny or terminate assistance based on the submission of false information or on misrepresentation.

Procedure for Denial or Termination

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

After the HACD has been a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for pro-rated assistance (if applicable).

E. ZERO (\$0) ASSISTANCE TENANCIES

The family may remain in the unit at zero (\$0) assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day time frame, an owner rent increase or a decrease in the total tenant payment causes the family to be eligible for a housing assistance payment, the HACD will resume assistance payments for the family. In order for a family to move to another unit during the 180 days, the rent for the unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION (24 CFR 982.551, 982.552(e))

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

G. MISSED APPOINTMENTS AND DEADLINES (24 CFR 982.551, 982.552(c))

It is a family obligation to supply information, documentation, and certification as needed for the HACD to fulfill its responsibilities. The HACD schedules appointments and sets deadlines in order to obtain the required information. The obligations also require that the family allow the HACD to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment or fails to supply information required by a deadline without notifying the HACD may be sent a notice of denial or termination of assistance for failure to allow the HACD to inspect the unit or failure to provide required information.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions;
- Verification Procedures;
- Voucher Issuance and Briefings;
- Housing Quality Standards Inspections;
- Reexaminations; and
- Appeals.

Acceptable reasons for missing appointments or failing to provide information by deadlines are medical emergency, incarceration, family emergency, and work or training obligations.

Procedure when Appointments Are Missed or Information Is Not Provided

For most purposes in this plan, the family will be given two (2) opportunities to attend an appointment or to provide information before being issued a notice of termination or denial of admittance.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing, the notice will be rescinded if the family subsequently attends an appointment or provides information and the family does not have a history of non-compliance.

Chapter 17

OWNER DISAPPROVAL AND RESTRICTION

INTRODUCTION

The regulations define when the HACD must disallow owner participation in the program and they provide the HACD discretion to disapprove or otherwise restrict the participation of owners in certain categories.

A. DISAPPROVAL OF OWNER (24 CFR 982.306, 982.54(d)(8))

The owner does not have a right to participate in the program. For purposes of this section, the term “owner” includes a principal or other interested party.

The HACD will disapprove the owner for the following reasons:

- HUD or another agency directly related has informed the HACD that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR Part 24.
- HUD has informed the HACD that the federal government has instituted an administration or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
- HUD has informed the HACD that a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
- Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. This HACD will waive this requirement as a reasonable accommodation for a family member who is a person with a disability.
- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act.
- The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner’s obligations to maintain the unit to HQS, including any standards the HACD has adopted in this policy.
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.
- The owner has engaged in drug-related criminal activity or any violent criminal activity.
- The owner has a history or practice of non-compliance with the HQS for units leased under federal housing programs.
- The owner has a history or practice of renting units that fail to meet state or local housing codes.

- The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

B. OWNER RESTRICTIONS AND PENALTIES (24 CFR 982.453)

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

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

C. CHANGE IN OWNERSHIP

A change in ownership does not require execution of a new HAP contract. The HACD will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Tax Identification Number or Social Security Number of the new owner.

Chapter 18

SECTION 8 HOME OWNERSHIP PROGRAM

INTRODUCTION

The Section 8 Home Ownership Program of the Housing Authority of the City of Danbury permits eligible participants in the Section 8 housing choice voucher program, including participants with portable vouchers, the option of purchasing a home with their Section 8 assistance rather than renting. The home ownership option is limited to five percent (5%) of the total Section 8 voucher program administered by HACD in any fiscal year, provided that disabled families shall not be subject to the 5% limit.

Eligible applicants for the Section 8 home ownership program must have completed an initial Section 8 lease term, may not owe HACD or any other Housing Authority an outstanding debt, and must meet the eligibility criteria set forth herein.

Section 8 home ownership assistance may be used to purchase the following type of homes within the City of Danbury: new or existing single-family, condominium, planned use developments, cooperatives, lofts, live/work units, or manufactured homes. HACD also will permit portability of Section 8 home ownership assistance to another jurisdiction, provided the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes HACD to administer the home ownership assistance in their jurisdiction.

A FAMILY ELIGIBILITY REQUIREMENTS.

Participation in the Section 8 home ownership program is voluntary. Each Section 8 home ownership participant must meet the general requirements for admission to the Section 8 housing choice voucher program as set forth in HACD's Administrative Plan. Such Section 8 family also must be "eligible" to participate in the home ownership program. The additional eligibility requirements for participation in HACD's Section 8 home ownership program include that the family must:

- Be a first-time homeowner or an elderly or disabled family;
- With the exception of elderly and disabled households, meet a minimum income requirement without counting income from "welfare assistance" sources;
- With the exception of elderly and disabled households, meet the requisite employment criteria;
- Have completed an initial lease term in the Section 8 housing choice voucher program;
- Have fully repaid any outstanding debt owed to HACD or any other Housing Authority;
- Not defaulted on a mortgage securing debt to purchase a home under the home ownership option; and
- Not have any member who has a present ownership interest in a residence at the commencement of homeownership assistance.

B. FIRST-TIME HOMEOWNER

Each Section 8 family, except families with a disabled member, must be a first-time homeowner. A "first-time homeowner" means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home ownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a "first-time homeowner" for purposes of the Section 8 homeownership option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest". A member of a cooperative also qualifies as a "first time homeowner".

C. MINIMUM INCOME REQUIREMENT

(1) Amount of Income.

At the time the family begins receiving homeownership assistance, the head of household, spouse, and/or other adult household members who will own the home, must have a gross annual income at least equal to the Federal minimum hourly wage multiplied by 2000 hours.

In the case of a disabled family, the gross annual minimum income requirement will be the monthly Federal Supplemental Security Income benefit for an individual multiplied by twelve.

(2) Exclusion of Welfare Assistance Income.

With the exception of elderly and disabled families, HACD will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families ("TANF"); Supplemental Security Income ("SSI") that is subject to an income eligibility test; food stamps; general assistance; or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the home ownership program. It does not affect the determination of income-eligibility for admission to the Section 8 housing choice voucher program, calculation of the family's total tenant payment, or calculation of the amount of home ownership assistance payments.

D. EMPLOYMENT HISTORY

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of home ownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for two years prior to execution of the sales agreement. In order to reasonably accommodate a family's participation in the program, HACD will exempt elderly or disabled families from this requirement.

HACD's Executive Director may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Executive Director may also consider successive employment during the two-year period and self-employment in a business.

E. COMPLETION OF INITIAL LEASE TERM

Applicants for and new participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program until completion of an initial Section 8 lease term and the participant's first annual recertification in the Section 8 housing choice voucher program.

Nothing in this provision will preclude Section 8 participants that have completed an initial lease term in another jurisdiction from participating in the Section 8 home ownership program.

F. REPAYMENT OF ANY HOUSING AUTHORITY DEBTS

Participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program in the event any debt or portion of a debt remains owed to HACD or any other Housing Authority. Nothing in this provision will preclude Section 8 participants that have fully repaid such debt(s) from participating in the Section 8 home ownership program.

G. ADDITIONAL ELIGIBILITY FACTORS

(1) Elderly and Disabled Households.

Elderly and disabled families are exempt from the employment requirements set forth in Section 2. C. above. In the case of an elderly or disabled family, HACD will consider income from all sources, including welfare assistance in evaluating whether the household meets the minimum income required to purchase a home through the Section 8 home ownership program.

(2) Prior Mortgage Defaults.

If a head of household, spouse, or other adult household member who will execute the contract of sale, mortgage and loan documents has previously defaulted on a mortgage obtained through the Section 8 home ownership program, the family will be ineligible to participate in the home ownership program.

H. FAMILY PARTICIPATION REQUIREMENTS

Once a family is determined to be eligible to participate in the program, it must comply with the following additional requirements:

- Complete a home ownership counseling program approved by HACD prior to commencement of homeownership assistance;
- Within a specified time, locate the home it proposes to purchase;
- Submit a sales agreement containing specific components to HACD for approval;
- Allow HACD to inspect the proposed home ownership dwelling to assure that the dwelling meets appropriate housing quality standards;
- Obtain an independent inspection covering major building systems;
- Obtain HACD approval of the proposed mortgage (which must comply with generally accepted mortgage underwriting requirements); and
- Enter into a written agreement with HACD to comply with all of its obligations under the Section 8 program.

Home Ownership Counseling Program.

A family's participation in the home ownership program is conditioned on the family attending and successfully completing a home ownership and housing counseling program provided or approved by HACD prior to commencement of home ownership assistance.

The home ownership and counseling program will cover home maintenance; budgeting and money management; credit counseling; negotiating purchase price; securing mortgage financing; finding a home; and the advantages of purchasing and locating homes in areas that do not have a high concentration of low-income families.

The counseling agency providing the counseling program shall either be approved by HUD or the program shall be consistent with the home ownership counseling provided under HUD's Housing Counseling program. HACD may require families to participate in a HACD-approved home ownership counseling program on a continuing basis.

Locating and Purchasing a Home

(1) Locating a Home

Upon approval for the Section 8 home ownership program, a family shall have one hundred eighty (180) days to locate a home to purchase. A home shall be considered located if the family submits a proposed sales agreement with the requisite components to HACD. For good cause, HACD may extend a Section 8 family's time to locate the home for additional thirty (30) day increments. During a Section 8 participant's search for a home to purchase, their Section 8 rental assistance shall continue pursuant to the Administrative Plan. If a Section 8 participant family is unable to locate a home within the time approved by HACD, the Section 8 rental assistance through the Section 8 housing choice voucher program shall continue.

(2) Type of Home

A family approved for Section 8 home ownership assistance may purchase the following type of homes within the City of Danbury: a new or existing home, a single-family home, a condominium, a home in a planned use development, a cooperative, a loft or live/work unit, or a manufactured home to be situated on a privately owned lot or on a leased pad in a mobile home park. The home must be already existing or under construction at the time HACD determines the family eligible for home ownership assistance. The family also may purchase a home in a jurisdiction other than the City of Danbury, provided the Housing Authority in the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes HACD to administer the home ownership assistance in their jurisdiction.

In the former case, a family's participation in the Section 8 home ownership program will be subject to the Section 8 home ownership program and policies of the receiving jurisdiction.

(3) Purchasing a Home

Once a home is located and a sales agreement approved by HACD is signed by the family, the family shall have up to three (3) months, or such other time as is approved by HACD's Executive Director or set forth in the HACD-approved sales agreement, to purchase the home.

(4) Failure to Complete Purchase.

If a Section 8 participant is unable to purchase the home within the maximum time permitted by HACD, HACD shall continue the family's participation in the Section 8 housing choice voucher program. The family may not re-apply for the Section 8 home ownership program until they have completed an additional year of participation in the Section 8 housing choice voucher program following the initial determination of their eligibility for the home ownership option.

(5) Lease-Purchase

Families may enter into lease-purchase agreements while receiving Section 8 rental assistance. All requirements of the housing choice voucher program apply to lease-purchase agreements, except that families are permitted to pay an extra amount out-of-pocket to the owner for purchase related expenses-- a "home ownership premium." Any "home ownership premium," defined as an increment of value attributable to the value of the lease-purchase right or agreement, is excluded from HACD's rent reasonableness determination and subsidy calculation, and must be absorbed by the family. When a lease-purchase participant family is ready to exercise their option, they must notify the Home Ownership Counselor at HACD and apply for the home ownership option. If determined eligible for home ownership assistance, the family may be admitted to the home ownership program and must meet all the requirements of these policies.

Sales Agreement

Prior to execution of the offer to purchase or sales agreement, the financing terms must be provided by the family to HACD for approval. The sales agreement must provide for inspection by HACD and the independent inspection referred to in Section 3(E) and must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to HACD. The contract also must provide that the purchaser is not obligated to pay for any necessary repairs without approval by HACD. The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by HACD pursuant to Section 3(F). The sales agreement must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

Independent Initial Inspection Conducted

To assure the home complies with the housing quality standards of the Section 8 program, home ownership assistance payments may not commence until HACD first inspects the home. An independent inspection of existing homes covering major building systems also must be completed by a professional selected by the family and approved by HACD. HACD will not pay for the independent inspection. The independent inspection report must be provided to HACD. HACD may disapprove the unit due to information contained in the report or for failure to meet federal housing quality standards.

Financing Requirements

The proposed financing terms must be submitted to and approved by HACD prior to close of escrow. HACD shall determine the affordability of the family's proposed financing. In making such determination, HACD may take into account other family expenses, including but not limited to child care, unreimbursed medical expenses, education and training expenses and the like. Certain types of financing, including but not limited to, balloon payment mortgages, unless convertible to a variable rate mortgage, are prohibited and will not be approved by HACD. Seller-financing mortgages shall be considered by HACD on a case by case basis. If a mortgage is not FHA-insured, HACD will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FHA, Ginnie Mae, Fannie Mae, Freddie Mac, Connecticut Housing Finance Agency (CHFA), the Federal Home Loan Bank, or other private lending institution.

Compliance With Family Obligations

A family must agree, in writing, to comply with all family obligations under the Section 8 program and HACD's home ownership policies. These obligations include (1) attending ongoing home ownership counseling, if required by HACD; (2) complying with the mortgage terms; (3) not selling or transferring the home to anyone other than a member of the assisted family who resides in the home while receiving home ownership assistance; (4) not refinancing or adding debt secured by the home without prior approval by HACD; (5) not obtaining a

present ownership interest in another residence while receiving home ownership assistance; and (6) supplying all required information to HACD, including but not limited to annual verification of household income, notice of change in home ownership expenses, notice of move-out, and notice of mortgage default. HACD's Home Ownership Family Obligation policies are set forth in Appendix A hereto.

Compliance Lien

Upon purchase of a home, the family must execute documentation as required by HUD and HACD, consistent with State and local law, securing HACD's right to recapture the home ownership assistance in accordance with Section 5. C. below. The lien securing the recapture of home ownership subsidy may be subordinated to a refinanced mortgage.

[Note: Moving to another home in the same PHA jurisdiction, as well as buying another home in another PHA jurisdiction, is permitted with continued use of homeownership assistance. See §§ 982.636 & 637.]

I. AMOUNT OF ASSISTANCE

The amount of the monthly assistance payment will be based on three factors: the voucher payment standard for which the family is eligible; the monthly home ownership expense; and the family's household income. HACD will pay the lower of either the payment standard minus the total family contribution ("TFC") or the family's monthly home ownership expenses minus the TFC. The Section 8 family will pay the difference.

Determining the Payment Standard

The voucher payment standard is the fixed amount the HACD annually establishes as the "fair market" rent for a unit of a particular size located within the HACD jurisdiction. In the home ownership program, the initial payment standard will be the lower of either (1) the payment standard for which the family is eligible based on family size; or (2) the payment standard which is applicable to the size of the home the family decides to purchase. The payment standard for subsequent years will be based on the higher of: (1) the payment standard in effect at commencement of the home ownership assistance; or (2) the payment standard in effect at the most recent regular reexamination of the family's income and size. The initial payment standard, for purposes of this comparison, shall not be adjusted even if there is a subsequent decrease in family size. HACD will request HUD approval of a higher payment standard, up to 100% of the published Fair Market Rent limit, where warranted as a reasonable accommodation for a family that includes a person with disabilities.

Determining the Monthly Home Ownership Expense

Monthly home ownership expense includes all of the following: principal and interest on the initial mortgage and any mortgage insurance premium (MIP) incurred to finance the purchase and any refinancing of such debt; real estate taxes and public assessments; homeowner's insurance; maintenance expenses per HACD allowance; costs of major repairs and

replacements per HACD allowance (replacement reserves); utility allowance per HACD's schedule of utility allowances; principal and interest on mortgage debt incurred to finance major repairs, replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any. Home ownership expenses for a cooperative member may only include HACD approved amounts for the cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home; principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt; home insurance; the allowances for maintenance expenses, major repairs and replacements and utilities; and principal and interest on debt incurred to finance major repairs, replacements, or improvements, including changes needed to make the home accessible.

Determining the Total Family Contribution

The TFC is that portion of the home ownership expense that the family must pay. It is generally 30% percent of the family's adjusted income, plus any gap between the payment standard and the actual housing cost. All family income (including public assistance), will be counted to determine the family's adjusted monthly income for purposes of determining the amount of assistance.

Payment to Family or Lender

HACD will provide the lender with notice of the amount of the housing assistance payment prior to close of escrow and will pay HACD's contribution towards the family's homeowner expense directly to the family, unless otherwise required by the lender. The family will be responsible to submit the entire mortgage payment to the lender unless the lender requires direct payment of HACD's contribution.

J. TERMINATION OF SECTION 8 HOME OWNERSHIP ASSISTANCE

Grounds for Termination of Home Ownership Assistance

(1) Failure to Comply with Family Obligations Under Section 8 Program or HACD's Home Ownership Policies.

A family's home ownership assistance may be terminated if the family fails to comply with its obligations under the Section 8 program, HACD home ownership policies, or if the family defaults on the mortgage. If required, the family must attend and complete ongoing home ownership and housing counseling classes. The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home.

The family must provide HACD with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; the family's household income and home ownership expenses on an annual basis; any notice of mortgage default received by the family; and any other notices which may be required pursuant to HACD home ownership

policies. Except as otherwise provided in this Section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving home ownership assistance.

(2) Occupancy of Home

Home ownership assistance will only be provided while the family resides in the home. If the family moves out of the home, HACD will not continue home ownership assistance commencing with the month after the family moves out. Neither the family nor the lender is obligated to reimburse the HACD for home ownership assistance paid for the month the family moves out.

(3) Changes in Income Eligibility

A family's home ownership assistance may be changed in the month following annual recertification of the household income, but participation in the Section 8 Home Ownership program shall continue until such time as the assistance payment amounts to \$0 for a period of six (6) consecutive months.

(4) Maximum Term of Home Ownership Assistance.

Notwithstanding the provisions of Section 5(A), subparagraphs 1 through 3, except for disabled and elderly families, a family may receive Section 8 home ownership assistance for not longer than ten (10) years from the date of close of escrow unless the initial mortgage incurred to finance purchase of the home has a term that is 20 years or longer, in which case the maximum term is 15 years. Families that qualify as elderly at the commencement of home ownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of home ownership assistance or at any time during the provision of home ownership assistance are not subject to a maximum term limitation. If a disabled family or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date home ownership assistance commenced; provided, however, that such family shall be eligible for at least six additional months of home ownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during any time that home ownership payments are made, or is a spouse of any member of the household who has an ownership interest.

Procedure for Termination of Home Ownership Assistance.

A participant in the Section 8 Home Ownership program shall be entitled to the same termination notice and informal hearing procedures as set forth in the Administrative Plan of the HACD for the Section 8 housing choice voucher program.

Recapture of Home Ownership Assistance

In certain circumstances the home ownership assistance provided to the family is subject to total or partial recapture upon the sale or refinancing of the home. Sales proceeds that are used by the family to purchase a new home with Section 8 home ownership assistance are not subject to recapture. Further, a family may refinance to take advantage of better terms without any recapture penalty, provided that no proceeds are realized ("cash-out"). Only "cash-out" proceeds from refinancing and sales proceeds not used to purchase a new home with Section 8 assistance less those amounts provided for in §982.640 are subject to recapture. Further, the amount of home ownership assistance subject to recapture shall automatically be reduced in annual increments of 10% beginning one year from the purchase date. At the end of 10 years the amount of home ownership assistance subject to recapture will be zero.

K. CONTINUED PARTICIPATION IN SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Default on FHA-Insured Mortgage

If the family defaults on an FHA-insured mortgage, HACD may permit the family to move with continued Section 8 housing choice rental assistance if the family demonstrates that it has (a) conveyed title to the home to HUD or its designee, as required by HUD; and (b) moved from the home within the period established or approved by HUD.

Default on non-FHA-Insured Mortgage

If the family defaults on a mortgage that is not FHA-insured, HACD may permit the family to move with continued Section 8 housing choice voucher rental assistance if the family demonstrates that it has (a) conveyed title to the home to the lender, to HACD or to its designee, as may be permitted or required by the lender; and (b) moved from the home within the period established or approved by the lender and/or HACD.

L. HACD ADMINISTRATIVE FEE

For each month that home ownership assistance is paid by HACD on behalf of the family, HACD shall be paid the ongoing administrative fee described in 24 C.F.R. §982.152(b).

M. WAIVER OR MODIFICATION OF HOME OWNERSHIP POLICIES

The Executive Director of HACD shall have the discretion to waive or modify any provision of the Section 8 home ownership program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

Chapter 19

OWNER OR FAMILY DEBTS TO THE HACD

INTRODUCTION

This chapter describes the HACD's policies for the recovery of monies that have been overpaid for families and to owners.

When families or owners owe money to the HACD, the HACD will make every effort to collect it. The HACD will use a variety of collection tools to recover debts including, but not limited to, requests for lump sum repayments, repayment agreements, reclaim from future housing assistance payments, use of collection agencies, and use of credit bureaus.

A. REPAYMENT AGREEMENT FOR FAMILIES (24 CFR 982.552(c)(v-vii))

A repayment agreement is a document entered into between the HACD and a person who owes a debt to the HACD. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of repayment, any special provisions of the agreement, and the remedies available to the HACD upon default of the agreement.

The minimum monthly amount of monthly repayment for any repayment agreement is \$25. The terms for any repayment agreements will not exceed 12 months. Requests for extensions will be reviewed on a case-by-case basis.

If the family already has a repayment agreement in place or the HACD determines that the family committed program fraud, the HACD will not enter into a repayment agreement.

B. DEBTS OWED FOR CLAIMS (24 CFR 792.103, 982.552(c)(v-viii))

If a family owes money to the HACD for claims paid to an owner, the HACD may enter into a repayment agreement.

Family Error/Late Reporting

Families who owe money to the HACD due to the family's failure to report increases in income will be required to repay in accordance with the repayment procedures for a person who owes a debt to the HACD.

Late Repayments

A repayment agreement will be considered to be in arrears if the repayment is not received by the close of the business day 15 days after the due date.

If the family's repayment agreement is in arrears for 30 days, the HACD will terminate the housing assistance. If the family requests a move to another unit and has an open repayment agreement, the family will not be allowed to move until the repayment agreement is paid in full.

C. **DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION** (24 CFR 982.163)

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in repayment of Section 8 program funds in violation of Section 8 program requirements.

The HACD will enter into a repayment agreement with the family if the debt does not exceed \$1,000 or is the result of less than 6 aggregate months of unreported income (whichever is lower). Program assistance will be terminated for families who owe in excess of \$1,000 or if the debt is the result of 6 or more aggregate months of unreported income. The HACD will use the following collection tolls in an attempt to recover debts including but not limited to:

- Requests for lump sum repayments
- Repayment agreements
- Use of Collections agencies and or credit bureaus

The HACD may also institute such actions as termination, or referring the case to HUD's Regional Inspector for Investigation, or pursue the matter in civil/criminal court.

D. **GUIDELINES FOR REPAYMENT AGREEMENTS** (24 CFR 982.552(c)(v-vii))

Repayment agreements will be executed between the HACD and the head of household and spouse.

Repayments may only be made by money order, cashier's check and personal check. The HACD has the right to refuse personal checks.

A repayment agreement will be considered to be in default when it is in arrears for 30 days.

The amount of the monthly repayments may be decreased in cases of family hardship if requested with reasonable notice from the family, verification of the hardship, and the approval of the HACD.

The family's assistance will be terminated unless the HACD receives the balance of the repayment agreement in full within 21 days from the date of the termination notice.

The HACD will not execute another repayment agreement if there is one already in place. Arrearages must be repaid in full.

E. OWNER DEBTS TO THE HACD (24 CFR 982.453(b))

If the HACD determines that the owner has retained housing assistance or repayments to which the owner is not entitled, the HACD may reclaim the amounts from future housing assistance repayments owed to the owner for any unit or units under contract.

If future housing assistance or repayments are insufficient to reclaim the amount owed, the HACD may enter into a repayment agreement with the owner for the amount owed, pursue collections through the local court system, and/or restrict the owner from future participation.

F. WRITING OFF DEBTS

Debts will be written off if the debt is more than three (3) years old or the debtor is deceased.

Chapter 20

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the HACD.

A. COMPLAINTS TO THE HACD

The HACD will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The HACD may require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS (24 CFR 982.54(d)(12), 982.554

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

When the HACD determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain the reason(s) for which they are ineligible, the procedure for requesting a review if the applicant does not agree with the decision, and the time limit for requesting a review.

When denying admission due to criminal activity by a household member, the HACD will include in the notice a statement that the applicant may request a copy of the criminal record upon which the decision to deny admission was based.

The HACD must provide applicants with the opportunity for an informal review of decisions denying:

Listing on the HACD's waiting list,
Issuance of a voucher,
Participation in the program, or
Assistance under portability procedures.

Informal reviews are not required for established policies and procedures and HACD determinations such as:

1. Discretionary administrative determinations by the HACD,
2. General policy issues or class grievances,

3. A determination of the family unit size under the HACD subsidy standards,
4. Refusal to extend or suspend a voucher,
5. Disapproval of a lease,
6. Determination that a unit is not in compliance with HQS, or
7. Determination that a unit is not in compliance with HQS due to family size or composition.

Procedure for Informal Review

A request for an informal review must be received in writing by the close of the business day, no later than 10 days from the date of the HACD's notification of denial of assistance. The informal review will be scheduled within 30 days from the date the request is received.

The informal review may not be conducted by the person who made or approved the decision under review, nor by a subordinate of such person.

The informal review may be conducted by a staff person who is at the hearing officer or supervisor level or above, or a qualified individual from outside the HACD.

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

A notice of review findings will be provided in writing to the applicant within ten (10) days after the review. The notice shall include the decision of the review officer and an explanation of the reasons for the decision.

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

C. INFORMAL HEARING PROCEDURES (24 CFR 982.555(a-f), 982.54(13))

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

- The proposed action or decision of the HACD;
- The date on which the proposed action or decision will take place;
- The family's right to an explanation of the basis for the HACD's decision;
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing;
- To whom the hearing request should be addressed; and
- A copy of the HACD's hearing procedures.

When terminating assistance for criminal activity as shown by a criminal record, the HACD will provide the subject of the record and the tenant/participant/head of household with a copy of the criminal record upon which the decision to terminate was based.

The HACD must provide participants with the opportunity for an informal hearing for decisions related to any of the following HACD determinations:

1. Determination of the family's annual or adjusted income and the computation of the housing assistance payment.
2. Appropriate utility allowance used from schedule.
3. Family unit size determination under HACD subsidy standards.
4. Determination to terminate assistance for any reason.
5. Determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

The HACD must always provide the opportunity for an informal hearing before termination of assistance. As with informal reviews, the request for an informal hearing must be received in writing by the close of the business day no later than ten (10) days from the date of the HACD's notification of action. The informal hearing will be scheduled within 30 days from the date the request is received.

Informal hearings are not required for established policies and procedures and HACD determinations such as:

1. Discretionary administrative determinations by the HACD.
2. General policy issues or class grievances.
3. Establishment of the HACD schedule of utility allowances for families in the program.
4. A HACD determination not to approve an extension or suspension of a voucher term.
5. A HACD determination not to approve a unit or lease.
6. A HACD determination that an assisted unit is not in compliance with HQS (the HACD must provide an informal hearing for family breach of HQS because that is a family obligation determination).
7. A HACD determination that the unit is not in accordance with HQS because of the family size.
8. A HACD determination either to exercise or not to exercise any right or remedy against the owner under a HAP contract.

Notification of Hearing

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

The notification of hearing will contain:

1. The date and time of the hearing;
2. The location where the hearing will be held;
3. The family's right to bring evidence, witnesses, and legal or other representation to the hearing at the family's expense;
4. The right to review any documents or evidence in the possession of the HACD upon which the HACD based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 48 hours (excluding weekends and holidays) before the hearing date; and
5. A notice to the family that the HACD will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than 48 hours (excluding weekends and holidays) before the hearing date.

The HACD's Hearing Procedures

After a hearing date is agreed upon, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

If a family does not appear at a scheduled hearing and has not rescheduled the hearing 24 hours in advance, the Hearing Officer may decide to uphold the HACD's decision to terminate assistance to the family.

Families have the right to:

- Present written or oral objections to the HACD's determination;
- Examine the documents in the file which are the basis for the HACD's action, and all documents submitted to the hearing officer;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issues of the hearing;
- Request that HACD staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, an advocate, or another designated representative at the family's own expense.

If the family requests copies of documents relevant to the hearing, the HACD will make the copies for the family and assess a charge of \$.25 per copy. In no case will the family be allowed to remove the file from the HACD's office.

In addition to other rights contained in this chapter, the HACD has a right to:

- Present evidence and any information pertinent to the issue of the hearing;

- Be notified if the family intends to be represented by legal counsel, an advocate, or another designated representative;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the hearing officer appointed by the HACD who is neither the person who made or approved the decision, nor a subordinate of that person. The HACD appoints hearing officers who are managers from other departments within the agency, are managers from other HACDs, or are professional mediators or arbitrators.

The hearing shall concern only the issues for which the family has received the opportunity for a hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial procedures.

No documents may be presented which have not been provided to the other party before the hearing if these documents have been requested by the other party. "Documents" includes records and regulations.

The hearing officer may ask the family for additional information and may adjourn the hearing, in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the hearing officer, the action of the HACD shall take effect and another hearing will not be granted.

The hearing officer will determine whether the action, inaction or decision of the HACD is legal in accordance with HUD regulations and this administrative plan, based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of hearing findings shall be provided in writing to the HACD and the family within ten (10) days and shall include:

- A clear summary of the decision and the reasons for the decision;
- If the decision involves money owed, the amount owed; and
- The date on which the decision goes into effect.

The HACD is not bound by hearing decision of the following sort:

- those concerning matters for which the HACD is not required to provide an opportunity for a hearing;
- those which conflict with or contradict HUD regulations or requirements;
- those which conflict with or contradict federal, state or local laws; or
- those which exceed the authority of the person conducting the hearing.

The HACD shall send a letter to the participant within ten (10) days if it determines that the HACD is not bound by the hearing officer's determination. The letter shall include the HACD's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the notice of hearing findings will be retained in the family's file.

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

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

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the HACD notifies the applicant or participant within 10 days of their right to appeal to the INS within 30 days of notification or to request an informal hearing with the HACD either in lieu of or subsequent to the INS appeal.

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

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

After receipt of request for an informal hearing, the hearing is conducted as described in section D of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members, the HACD will either deny the applicant family, defer termination if the family is a participant and qualifies for deferral, or termination participation if the family does not qualify for deferral.

If there are eligible members in the family, the HACD will offer to pro-rate assistance or give the family the option to remove the ineligible member(s).

All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide documentation or certification, the family will be denied or terminated for failure to provide documentation.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on the statement that some members are ineligible, or due to failure to verify eligible immigration status for some

members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and total tenant payment.

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

E. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES (24 CFR 982.204, 982.552(c))

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

(Examples of mitigating circumstances are: a person with a cognitive disorder may not have understood the requirement to report increases in income, a person may not understand the need to make regular repayments on a promissory notice, minor criminal records for public drunkenness may actually be due to medication reactions; prior incarcerations for being disorderly may be due to an emotional disorder.

Verification Process

This indicator will be rated by HUD on the HACD's SEMAP certification. The agency can earn a maximum of five points for this indicator, if the review confirms that:

- . A sample of assisted units were quality control inspected based on the sample size required by 24CFR 985.2 for the number of units under contract.
- . The sample represents units recently inspected (HQS inspections perform during the three months preceding the quality control inspection).
- . The sample represents cross-section of inspectors and neighborhoods.

Indicator #6: HQS Enforcement

The purpose of this indicator is to test the HACD's ability to insure that life- threatening HQS deficiencies are corrected within 24 hours from the date of inspection and that all other HQS deficiencies are corrected within no more than 30 calendar days from the date of the inspection or any HA-approved extension. The indicator also tests whether the agency's has appropriately abated the rent to owner no later than the first of the month following the specified correction period, and if not corrected termination of the HAP contract. This indicator also measures the response of HACD for family caused defects, and whether or not the agency takes prompt and vigorous action to enforce the family obligations.

Verification Process

This indicator will be rated by HUD on the HACD's SEMAP certification. The agency can earn a maximum of 10 points for this indicator if the review confirms that based on a random sample:

- . 100 percent of life threatening emergencies were completed within 24 hours;
- . 98 percent of all other cited HQS deficiencies were corrected within no more than 30 days or any HACD approved extension;
- . If deficiencies were not corrected within required time frame, the HAP was abated no later than the first of the month following the correction period or the HAP contract was terminated or for family-caused defects took prompt and vigorous action to enforce the family obligations.

Indicator #7: Expanding Housing Opportunities

The purpose of this indicator is to determine whether the housing agency has adopted and implemented a written policy to encourage participation by owners with units located outside areas of poverty or minority concentration; informs rental voucher and certificate holders of the full range of areas where they may lease units both inside and outside of HACD's jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find units, including units outside areas of poverty or minority concentration.

Verification Process

This indicator will be rated by HUD on the HACD's SEMAP certification. The agency can earn a maximum of five points for this indicator if the review confirms that:

- HACD has a written policy to encourage participation by owners of units outside areas of poverty minority concentration; HACD clearly delineates areas in its jurisdiction that the agency considers areas of poverty or minority concentration, and which includes actions the
- HACD will take to encourage owner participation.
- HACD encouraged participation by owners outside areas of poverty and minority participation.
- HACD has prepared maps that show various areas, both within and outside of its jurisdiction.
- HACD's information packet for certificate and voucher holders contains either a list of owners who are willing to lease, or properties available for lease, under the rental voucher or certificate programs, or a list of other organizations that will help families find units and the list includes properties or organizations that operate outside areas of poverty or minority concentration
- HACD's information packet includes an explanation of how portability works and includes a list of neighboring PHAs with the name, address and telephone number of a portability contact person at each.
- HACD has analyzed whether rental voucher and certificate holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, if such difficulties have been found,
- HACD documentation shows that the agency has analyzed whether it is appropriate to seek approval of area exception rents in any part of its jurisdiction and has sought HUD approval of exception rents when necessary.

Indicator #8: Payment Standards

The purpose of this indicator is to determine whether the housing agency has verified and correctly determined adjusted annual income for each assisted family at the time of admission; and annual reexamination.

Verification Process

This indicator will be verified by HUD through the use of payment standard information submitted to HUD on the SEMAP certification form and MTCS gross rents and FMR data. An agency can earn a maximum of five points for this indicator if:

- At least 98 percent of the families newly leased in the certificate program, excluding over FMR families, have initial gross rents at or below the applicable FMR or approved exception rent limit, and
- That HACD has adopted payments standards which do not exceed the applicable FMR or approved exception rent limit and which are not less than 80 percent of the current FMR, unless approved by HUD.

Zero points are earned if the random sample demonstrates that more than two percent of the sample files have gross rents that exceed the applicable FMR, or HUD-approved exception rent limits, or HACD's rental voucher program payment.

Indicator #9: Annual Re-Certifications

The purpose of this indicator is to determine whether the HACD completes an annual reexamination for each participating family at least every 12 months.

Verification Process

This indicator will be verified by MTCS reports showing the percent of reexaminations that are more than two months overdue. An agency can earn a maximum of 10 points for this indicator if the MTCS report confirms that fewer than five percent of all HACD reexaminations are more than two months overdue. Five points can be earned if the report confirms that five to 10 percent of all HACD reexaminations are more than two months overdue. Zero points are earned if more than 10 percent of all HACD reexaminations are more than two months overdue.

Indicator #10: Correct Tenant Rent Calculations

The purpose of this indicator is to determine whether HACD correctly calculates tenant rent in the rental certificate program, and the family's share of the rent to owner in the rental voucher program.

Verification Process

This indicator will be verified by MTCS reports. The reports will demonstrate the percent of tenant rent and family's share of the rent to owner calculations that are incorrect based on data sent to HUD on the HUD-50058 form.

HACD can earn a maximum of five points for this indicator if the MTCS report confirms that two percent or fewer of all HACD tenant rent and family's share of rent to owner calculations are incorrect. Zero points will be awarded if more than two percent of all HACD tenant rent and family's share of rent to owner calculations are incorrect.

Indicator #11: Pre-contract HQS Inspections

The purpose of this indicator is to determine whether newly leased units passed HQS inspection on or before the beginning date of the assisted lease and HAP contract.

Verification Process

This indicator will be verified by the MTCS report which shows the percent of newly leased units where the beginning date of the assistance contract is before the date the unit passed HQS inspection. If 98-99 percent of newly leased units passed HQS inspection before the beginning of the HAP contract, the HACD will receive five points. If fewer than 98 percent passed inspection prior to execution of the contract, HACD will receive zero points.

Indicator #12: Annual HQS Inspections

The purpose of this indicator is to determine whether the housing agency inspects each unit under contract at least annually. This indicator will be verified by the MTCS report, which shows the percent of HQS inspections that are more than two months passed due. It should be noted that the two-month allowance is provided to accommodate a possible lag in the housing agency's electronic submission and not in the completion of the inspection.

Verification Process

This indicator will be verified by the MTCS report, which shows the percent of HQS inspections that are more than two months passed due. It should be noted that the two-month allowance is provided to accommodate a possible lag in the housing agency's electronic submission and not in the completion of the inspection. HACD will receive 10 points if fewer than five percent of the annual inspections are more than two months late, five points if five to 10 percent are more than two months late and, zero points if more than 10 percent of annual inspections are more than two months late.

Indicator #13: Lease-Up

The purpose of this indicator is to determine whether HACD entered into HAP contracts for the number of units under budget for the last fiscal year.

Verification Process

This indicator will be verified by the percent of units leased during the last completed HACD fiscal year as determined by taking unit-months under HAP contract as shown on the HACD's

latest approved year-end operating statement, dividing that result by 12, and then dividing that result by the number of units budgeted as shown on the HACD's approved budget for the same fiscal year. An agency can earn a maximum of 20 points for this indicator if the percent of units leased during the last fiscal year was 98 percent or more. Fifteen points will be awarded if 95-98 percent of the units were leased during the last fiscal year. Zero points will be awarded if less than 95 percent of the units were leased during the last fiscal year.

Indicator #14: Family Self-Sufficiency (FSS)

The purpose of this indicator is to determine whether the HACD has enrolled families in the FSS program as required, and the extent of the HACD progress in supporting FSS by measuring the percent of current FSS participants with FSS progress reports entered in MTCS that have had increases in earned income which resulted in escrow account balances.

Verification Process

HUD will verify this indicator through the MTCS report that shows the number of families currently enrolled in FSS. This number is divided by the number of mandatory FSS slots based on funding reserved for the HACD through the second to last completed Federal Fiscal Year, or based on a reduced number of mandatory slots under a HUD-approved exception. An MTCS report also shows the percent of FSS families with FSS progress reports who have escrow account balances. HUD also uses information reported on the SEMAP certification by initial PHAs concerning FSS families enrolled in their FSS programs but who have moved.

Indicator #15: De-concentration

The purpose of this indicator is to determine what percentage of Section 8 families with children who live in and who have moved during the reporting period, moved to low-poverty census tracts in the HACD's principal operating area.

Verification Process

This indicator will be verified by HACD data submitted for the de-concentration bonus and the latest independent auditor annual audit report.

Required Action Plan

An operational improvement plan is required for any HACD deemed substandard under the Section 8 Management Assessment Program. Upon HUD's confirmation of a substandard score HACD must prepare a detailed action plan identifying the tasks necessary to improve each failed indicator. HUD may also require an action plan for any individual indicator that does not reach a passing score even if the overall rating of HACD is standard.

Chapter 23

PROGRAM INTEGRITY

General [24 CFR 792.101 to 792.204, 982.54]

HUD conservatively estimates that over \$200 million is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that over 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

HACD is committed to assuring that the proper level of benefits are paid for all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained. HACD will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously. This chapter outlines HACD's policies for the prevention, detection and investigation of program abuse and fraud.

Criteria for Investigation of Suspected Abuse and Fraud

Under no circumstances will HACD undertake an inquiry or an audit of a participating family arbitrarily. HACD's expectation is that participating families will comply with HUD requirements, provisions of the voucher, and other program rules. HACD staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, HACD has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to HACD's attention, to investigate such claims. HACD will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips - HACD will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation and HACD's response will be retained in the family's file.

Internal File Review - A follow-up will be made if HACD staff discovers (as a function of a certification or re-certification, an interim re-determination, or a quality control review), information or facts which conflict with previous file data, HACD's knowledge of the family, or is discrepant with statements made by the family.

Verification of Documentation - A follow-up will be made if HACD receives independent verification or documentation, which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

Chapter 21

SPECIAL HOUSING TYPES

MANUFACTURED HOMES

The HACD will permit a family to lease a manufactured home and space with assistance under the program. The HACD will also provide assistance for a family that owns the manufactured home and leases only the space.

Housing Quality Standards (24 CFR 982.621)

A manufactured home must meet all HQS requirement outlined previously and regulated by 24 CFR 982.401. In addition, the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as susceptibility to sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning or sliding due to the action of wind.

Manufactured Home Space Rental (24 CFR 982.622)

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the HACD.

The HACD will not approve a lease for a manufactured home space until the HACD has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HACD will redetermine that the rent is reasonable. The HACD will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The HACD will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the HACD, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for the unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the HACD, the owner must provide the HACD with information on rents for other manufactured home space.

Housing Assistance Payments for Manufactured Home Space (24 CFR 982.623)

HAP for the Voucher Program

There is a separate FMR for a family renting a manufactured home space. The payment standard is used to calculate the monthly housing assistance payment for a family. The FMR for rental of a manufactured home space is generally 40% of the published FMR for a two-bedroom unit.

Subsidy Calculation for the Voucher Program

During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the less of the payment standard minus the total tenant payment, or the rent paid for rental of the real property on which the manufactured home owned by the family is located (space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the HACD:

Rent to owner for the manufactured home space, and
Owner maintenance and management charges for the space, and
The utility allowance for tenant-paid utilities.

Amortization Cost

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 % to exclude debt service to amortize the cost of furniture, unless the HACD determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

The HACD will not approve as part of the monthly amortization payment any set up charges to be included in the debt service incurred by a family that relocated its home.

The HACD will not include as part of the monthly amortization payment any set up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

Utility Allowance Schedule for Manufactured Home Space Rental (24 CFR 982.624)

The HACD will establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowances will include a reasonable amount for utility hook up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

SPECIAL HOUSING TYPES AS REASONABLE ACCOMMODATION

In addition to manufactured housing, the HACD will allow housing choice vouchers to be used in the following types of housing as a reasonable accommodation for a person with a disability:

Single Room Occupancy (SRO) units

Defined at CFR 982.065 as a single room with access to a bathroom that contains at least 110 sq. feet of floor space.

Group homes

A group home must be licensed, certified or otherwise approved in writing by the state as a group home for elderly persons or persons with disabilities.

Congregate housing

Defined at CFR 982.609 as a single room or multiple rooms (e.g. sitting room). The unit must contain a refrigerator and there must be a central kitchen and dining facilities on the premises.

Shared housing

Defined at CFR 982.618, each unit must contain private space for each assisted family, plus appropriate common space for shared use by the residents of the unit. The private space for each family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family may not be less than the family size. A zero or one bedroom unit may not be used for shared housing.

Chapter 22

SECTION 8 MANAGEMENT ASSESSMENT PROGRAM

GENERAL (24 CFR 985)

HUD implemented the Section 8 Management Assessment Program (SEMAP) on October 13, 1998 to serve as a management tool for objectively measuring program compliance, identifying management capabilities and deficiencies, as well as improving risk assessment for potential program problems. SEMAP also provides local housing agencies with a structured self assessment system for evaluating the tenant-based rental assistance programs.

A. PERFORMANCE INDICATORS

The following performance indicators have been established to help meet HUD's overall goal of getting the right Section 8 families in the right units at the right cost. Effective delivery of rental assistance and family-self-sufficiency goals is also measured. The individual indicators and their assigned points are presented below.

1. Selection from the Waiting List	15
2. Rent Reasonableness	20
3. Adjusted Income	20
4. Utility Allowance	5
5. HQS Quality Control	5
6. HQS Enforcement	10
7. Expanding Housing Opportunity	5
8. Payment Standards	5
9. Annual Reexaminations	10
10. Tenant Rent Calculations	5
11. Pre Contract HQS Inspections	5
12. Annual Inspections	10
13. Lease-Up	20
14. FSS Escrowing and percent of Families with Escrow Accounts	20
15. Deconcentration Bonus	5
TOTAL POSSIBLE POINTS	160
High Performer: 90+percent	
Standard Performer: 61-89 percent	
Troubled: <=60 percent	

Certification Period

HACD is required to submit a certification to HUD by February 28th of each year for the period from January 1st through December 31th, (HACD's fiscal year).

SEMAP Certification Process

The certification for each of the performance indicators is supported by documentation from the following sources:

- . Family files and the HACD computer records
- . Multi-Family Tenant Characteristic System (MTCS)
- . Management files, marketing materials, studies, and surveys.

Family Files and Computer Records

A random sample of family files and computer Records along with management files, marketing materials, studies and surveys are reviewed to support the following SEMAP indicators:

- . Indicator 1: Selection from the Waiting List
- . Indicator 2: Rent Reasonableness
- . Indicator 3: Adjusted Income
- . Indicator 4: Utility Allowance Schedule
- . Indicator 5: HQS Quality Control
- . Indicator 6: HQS Enforcement
- . Indicator 7: Expanding Housing Opportunities
- . Indicator 8: Payment Standards
- . Indicator 15: De-concentration (Bonus)

Multi-Tenant Characteristic System (MTCS) Data

MTCS is a computerized tracking and monitoring system used by HUD to track family data in both the Section 8 and public housing programs. Family information is electronically submitted to MTCS upon completion of a HUD 50058 Family Report. The following SEMAP indicators are evaluated based on information from the MTCS database.

- . Indicator 9: Annual Reexaminations
- . Indicator 10: Tenant Rent Calculations
- . Indicator 11: Pre-Contract HQS
- . Indicator 12: Annual Inspections
- . Indicator 13: Lease-Up
- . Indicator 14: FSS Enrollment and Escrow Account

Summary by Indicator

Indicator 1: Selection from the Waiting List 15 points

The purpose of this indicator is to determine whether the local housing agency has written admission policies in its Administrative Plan and to confirm whether the agency follows their admission policies when selecting applicants from the waiting list. The Administrative Plan must be formally adopted by HACD and must be submitted to HUD.

Verification Process

HUD will rate this indicator on the SEMAP certification. The agency can earn either all or none of the 15 points for this indicator. To earn all 15 points, the review must confirm that HACD has written admissions policies in its Administrative Plan and at least 98 percent of the families in the samples were selected from the waiting list in accordance with these policies and met the selection criteria that determined their places on the waiting list and their order of selection.

Indicator 2: Rent Reasonableness- 20 points

The purpose of this indicator is to determine whether HACD has implemented a written, reasonable method for determining and documenting the rent charged for each unit leased. The method used must ensure that the rent charged is reasonable based on current rents for comparable unassisted units at the time of initial leasing; when there is any increase in the rent to owner; and at the HAP contract anniversary if there is a five percent decrease in the published FMR in effect 60 days before the HAP contract anniversary.

Verification Process

This indicator will be rated by HUD on HACD's SEMAP certification. HACD can earn a maximum of 20 points for this indicator if the review confirms that:

- . HACD has a reasonable method it follows to determine reasonable rent which considers location, size, type, quality, and age of the units, and the amenities, housing services, and maintenance and utilities provided by the owner; and
- . A random sample of tenant files demonstrates that the rent reasonable system was used and documented in 98 percent of the files sampled for initial lease-up, any rent increase to owner, and if there is a five percent decrease in the published FMR in effect 60 days prior to the HAP contract anniversary.

Fifteen points can be earned if the review confirms that the above criterion is met in 80-97 percent of the units sampled for the review. Zero points are earned if the rent reasonableness method is used and documented in less than 80 percent of the random sample files that are reviewed.

Indicator 3: Adjusted Income -20 points

The purpose of this indicator is to determine whether the housing agency has verified and correctly determined adjusted annual income for each assisted family at the time of admission; and at annual reexamination.

Verification Process

This indicator will be rated by HUD on the SEMAP certification. HACD can earn a maximum of 20 points for this indicator if the review confirms that based on a random sample in at least 90 percent of the families:

- . HACD obtains third-party verification of reported family income, the value of assets totaling more than \$5000, expenses related to deductions from annual income and other factors that affect the determination of adjusted income, and/or HACD documents in tenant files why third party verification was not available;
- . HACD properly attributes and calculates allowances for any medical, child care, and/or disability assistance expenses; and
- . HACD uses the appropriate utility allowance to determine gross rent for the unit leased.

Fifteen points can be earned if the review confirms that the above criteria are met in 80-89 percent of the files sampled for the review. Zero points are earned if adjusted income determinations are correct and properly documented in less than 80 percent of the random sample files reviewed.

Indicator #4: Utility Allowance Schedule 5 points

The objective of this indicator is to determine whether HACD maintains an up-to-date utility allowance schedule in accordance with HUD program regulations, (24 CFR 982.517.)

Verification Process

This indicator will be rated by HUD on the SEMAP certification. The agency can earn a maximum of five points for this indicator if the review confirms that HACD reviewed utility rate data within the last 12 months, and adjusted its utility allowance schedule if there has been a change of 10 percent or more in a utility rate since the last time the utility allowance schedule was revised.

Indicator #5: HQS Quality Control Inspections

The purpose of this indicator is to determine whether a HACD manager or other qualified person re-inspects a sample of the units under contract during the last completed HACD fiscal year. The quality control inspection process tests consistency in adherence to the HQS and also helps to determine if inspectors require additional training.

Steps to Prevent Program Abuse and Fraud - HACD management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

Program Orientation Briefing - Mandatory orientation sessions will be conducted by HACD staff for all program applicants, either prior to or upon issuance of a voucher. At the conclusion of all Program Orientation Briefing, the family representative will be required to sign their voucher to confirm that all rules and pertinent regulations were explained to them.

Continued Occupancy Training - HACD will annually provide participant training as apart of every re-certification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and explanation of Forms - Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.

Use of Instructive Signs and Warnings - Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Participant Certification - All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.

Steps to Detect Program Abuse and Fraud - HACD personnel will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews - Prior to initial certification, and at the completion of all subsequent recertifications, participant files will be reviewed by a Quality Control staff member. Such reviews shall include, but are not limited to:

- Assurance that verification of all income and deductions is present;
- Changes in reported Social Security Numbers or dates of birth;
- Authenticity of file documents;
- Ratio between reported income and expenditures;
- Review of signatures for consistency with previously signed file documents;
- All forms are correctly dated and signed;
- Appropriate selection from the waiting list.

Observation - HACD personnel and representatives will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in household and unreported income.

Public Record Bulletins - May be reviewed by HACD personnel.

Up-Front Income Verification (UIV) - The verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form.

Credit Bureau Inquiries - Credit Bureau inquiries may be made (with proper authorization by the applicant/participant) in the following circumstances At the time of final eligibility determination; When HACD receives an allegation wherein unreported income sources are disclosed; When a participant's expenditures exceed his /her reported income and no plausible explanation is given; If a family is at minimum rent or is claiming zero income.

Handling of Allegations of Possible Abuse and Fraud - HACD staff will encourage all participating families to report suspected abuse to their assigned caseworker. The caseworker will be responsible for conducting a preliminary review of Allegation to determine their validity. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file.

All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. HACD will not follow up on allegations, which are vague or otherwise nonspecific.

Caseworkers will be responsible for referring cases to their assigned supervisor if it is determined to be a valid allegation and supervisors will be responsible for following up or referring the case to the agency's designee. They will only review allegations, which contain one or more independently verifiable facts.

File Review - An internal file review will be conducted to determine: If the subject of the allegation is a client of HACD and, if so, to determine whether or not the information reported has been previously disclosed by the family. It will then be determined if HACD is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review - If at the conclusion of the preliminary file review there are facts contained in the allegation which conflict with file data, and the facts are independently verifiable, the agency's designee will initiate an investigation to determine if the allegation is true or false.

Investigation of Allegations of Abuse and Fraud

If HACD determines that an allegation should be referred, the agency's designee or a person designated to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, HACD will secure the written authorization from the program participant for the release of information.

- **Credit Bureau Inquiries.** In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.
- **Verification of Credit.** In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.
- **Employers and Ex-Employers.** Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.
- **Neighbors/Witnesses.** Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to HACD's review.
- **Other Agencies.** Investigators, caseworkers or representatives of other benefit agencies may be contacted.
- **Public Records.** If relevant, HACD will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.
- **Interviews with Head of Household or Family Members.** HACD will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate HACD office. HACD staff person who conducts such interviews will maintain a high standard of courtesy and professionalism. Under no circumstances will management tolerate inflammatory language, accusation, or any unprofessional conduct or language. If possible, an additional staff person will attend such interviews.

Documents, Evidence and Statements Obtained by HACD

Documents and other evidence obtained by HACD during the course of an investigation will be considered "work product" and will either be kept in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among HACD personnel unless they are involved in the process, or have information, which may assist in the investigation.

Conclusion of the Investigative Review

At the conclusion of the investigative review, the reviewer will report the findings to the Section 8 Program Director. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

Evaluation of the Findings

If it is determined that a program violation has occurred, HACD will review the facts to determine:

- The type of violation (procedural, non-compliance, fraud);
- Whether the violation was intentional or unintentional.
- What amount of money (if any) is owed by the family.
- If the family is eligible for continued occupancy.

Action Procedures for Violations Which Have Been Documented

Once a program violation has been documented, HACD will propose the most appropriate remedy based upon the type and severity of the violation.

1. Procedural Non-compliance - This category applies when the family "fails to" observe a procedure or requirement of HACD, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

Warning Notice to the Family - In such cases a notice will be sent to the family, which contains the following:

- A description of the non-compliance and the procedure, policy or obligation which was violated;
- The date by which the violation must be corrected, or the procedure complied with;
- The action which will be taken by HACD if the procedure or obligation is not complied with by the date specified by the PH; and,
- The consequences of repeated (similar) violations.

2. Procedural Non-compliance: Overpaid Assistance - When the family owes money to HACD for failure to report changes in income or assets, HACD will issue a Notification of Overpayment of Assistance. This Notice will contain the following:

- A description of the violation and the date(s);
- Any amounts owed to HACD;
- A ten day response period; and,
- The right to disagree and to request an informal hearing with instructions for
- The request of such hearing.

Participant Fails to Comply with HACD's Notice. If the Participant fails to comply with HACD's notice, and a family obligation has been violated, HACD will initiate termination of assistance.

Participant Complies with HACD's Notice. When a family complies HACD's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule which was violated. The staff person will complete a Participant Counseling Report, give one copy to the family and retain a copy in the family's file.

3. Intentional Misrepresentations. When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by HACD, HACD will evaluate whether or not: the participant had knowledge that his/her actions were wrong, and the participant willfully violated the family obligations or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certifications, {briefing certificate}, personal declaration are adequate to establish knowledge of wrong-doing. The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- (a) An admission by the participant of the misrepresentation;
- (b) That the act was done repeatedly;
- (c) If a false name or Social Security Number was used;
- (d) If there were admissions to others of the illegal action or omission;
- (e) That the participant omitted material facts which were known to him/her (employment of any household member, including head of household);
- (f) That the participant falsified, forged or altered documents;
- (g) That the participant uttered and certified to statements at a interim (re)determination which were later independently verified to be false.

Disposition of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, HACD may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

- (a) Criminal Prosecution: If HACD has established criminal intent, and the case meets the criteria for prosecution, HACD will notify HUD's Regional Inspector General and terminate rental assistance.
- (b) Administrative Remedies: HACD will terminate assistance and execute an administrative repayment agreement in accordance with HACD's Repayment Policy.

Case Conference for Serious Violations and Misrepresentations

When HACD has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative, the HUD Inspector General and HACD staff person who is most knowledgeable about the circumstances of the case. This conference will take place prior to any proposed action by HACD. The purpose of such conference is to review the information and evidence obtained by HACD with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. Any documents or mitigating circumstances presented by the family will be taken into consideration by HACD. The family will be given 10 days from the date of the conference to furnish any mitigating evidence.

A secondary purpose of the Participant Conference is to assist HACD in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action,

HACD will consider:

- The duration of the violation and number of false statements.
- The family's ability to understand the rules.
- The family's willingness to cooperate, and to accept responsibility for his/her actions
- The amount of money involved.
- The family's past history
- Whether or not criminal intent has been established.
- The number of false statements.

Notification to Participant of Proposed Action

HACD will notify the family of the proposed action no later than 15 days after the case conference by certified mail.

Overpayments to Owners

If a landlord has been overpaid as a result of fraud, misrepresentation or violation of the HAP contract, HACD may terminate the contract and will make every effort to recover any overpayments. Payments otherwise due to the owner may be deducted from other contracts in order to repay HACD or the tenant, as applicable.

Chapter 24

DOCUMENT RETENTION

The Housing Authority of the City of Danbury considers its applicant, resident and participant records to be important assets. As such, document retention, disposition and destruction methods used by HACD shall comply with Local, State and Federal laws as set forth herein.

- A. The period of document retention is dictated by a variety of laws and regulations. In all circumstances documents must be retained in accordance with Federal, State and local laws and regulation.

In instances when the document retention policy of any governing law or regulation conflict, the longer retention period will apply. The following is a list of documents retained by the HACD with the time period of retention indicated:

Housing applicant, Resident and Participant Files:

<u>DOCUMENT</u>	<u>RETENTION PERIOD</u>
Active Applicant Files	Entire time period while active on the waiting list
Applicants Housed	Applicant record will be transferred into tenant or participant file
Applicants Denied Housing	3 years after denial
Active Resident or Participant file	Active files shall be kept until the family is no longer active
Inactive Resident/Participant files	3 years after the resident is no longer active, except in the case of eviction, which shall be permanent

- B. Procedure For Document Retention:

Documents shall be maintained in accordance with all Federal, State and Local laws and regulations. All active confidential documents shall be maintained in locked file cabinets in a secured area. All inactive confidential documents shall be maintained in locked filing cabinets in a secure area or in clearly labeled record retention boxes in a secured area. Access to active and inactive documents must be clearly labeled indicating the following:

- Contents of documents
- Department of origination
- Date of storage
- Date of destruction, if applicable, or labeled as a permanent record

C. Document Destruction:

HACD will take all necessary action to protect the confidential nature of documents in its possession. Documents will be maintained only as required and indicated above. In the best interest of protecting confidential documents, destruction will be handled in the most confidential, timely and cost effective manner possible.

Procedure for Document Destruction:

Documents that have reached their period of retention shall be shredded. Documents of a confidential nature which are not to be made part of a required record or file shall be shredded immediately after the intended purpose for the document has been served. The document shall be shredded using shredding machines located in various HACD offices, or as contracted by HACD by a reputable source. This includes items such as:

- miscellaneous confidential working notes that are not required to be maintained as part of a record
- reports or documents printed in error or excess
- photo copies of confidential data printed in error or excess

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Purpose:

The purpose of this policy is to provide instruction and information to HACD staff, auditors, consultants, contractors and tenants on the acceptable use, disposition and storage of data obtained through EIV (Enterprise Income Verification System).

The purpose of EIV is to assist the HACD in streamlining the income verification process and to help in minimizing the need for 3rd party verification. EIV allows the user to identify:

- Applicants currently receiving HUD assistance
- Income not previously reported
- New employment
- Historical patterns of earnings and received income
- Multi-subsidy for household members included in both PIC and TRACS databases

- Deceased household member(s)

In addition, information in EIV can be used to provide more comprehensive oversight to compliance policies and their implementation. The data provided via EIV system will be protected to ensure that it is only used for official purposes and not disclosed in any way that would violate the privacy of the individuals represented in the system data. Privacy of data and data security for computer systems are covered by a variety of federal laws and regulations, government bulletins, and other guiding documents.

Safeguarding EIV Data

The information processed by any EIV system can include wage and income data about private individuals, as well as identifying information such as Social Security Number, Address, and Employment information. This policy describes methods to comply with HUD's required EIV safeguards.

Technical safeguards

1. Reduce the risk of a security violation related to the EIV system's software, network, or applications.
2. Identify and authenticate all users seeking to use the EIV system data.
3. Deter and detect attempts to access the system without authorization.
4. Monitor the user activity on the EIV system.

Administrative safeguards

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User accounts for the EIV system will be provided on a need-to-know basis, with appropriate approval and authorization.

Security Awareness Training

Security awareness training is a crucial aspect of ensuring the security of the EIV System and data. HACD Users and potential users will be made aware of the importance of respecting the privacy of data, following established procedures to maintain privacy and security, and notifying management in the event of a security or privacy violation. Before granting access to the EIV information, each person must be trained in EIV Security policies and procedures. Additionally, all employees having access to EIV Data will be briefed at least annually on the security policy and procedures that require their awareness and compliance. Information about user access and training will be maintained in the property EIV file. See Appendix B.

EIV System Coordinators

Before accessing EIV, the HACD Secure Systems Coordinators will obtain a letter from the Executive Director indicating that the Executive Director gives permission for the HACD Secure Systems Coordinator to act as the EIV coordinator. Once that permission is obtained, the HACD Coordinator will review the EIV training material provided by HUD and complete the appropriate Security Awareness Training Questionnaire and review the EIV Security Policy and the EIV User Policy. Upon completion of these three tasks, the HACD EIV Coordinator will submit, to HUD, the appropriate Coordinator Access Authorization Forms. Upon receipt of HUD approval, the EIV Coordinator will complete the EIV Coordinator setup process.

EIV Users

Before requesting EIV User access, appropriate staff will review the EIV training material provided by HUD and complete the appropriate Security Awareness Training Questionnaire and review the EIV Security Policy and the EIV User Policy. Upon completion of these three tasks, the EIV User will submit, to the EIV Coordinator, the appropriate User Access Authorization Form. Upon receipt the EIV Coordinator will review the completed Security Awareness Training Questionnaire for accuracy and recommend further training if necessary. If the EIV Coordinator feels that the EIV User candidate does not understand the security requirements, the EIV Coordinator will not continue with the EIV setup for that user.

Note: Under no circumstances will the EIV Coordinator process the User Access Authorization Form unless the executed Security Awareness Training Questionnaire, the signed EIV Security Policy and the signed EIV User Policy are attached.

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Once the user request information is satisfactorily completed, the EIV Coordinator will complete the appropriate steps to provide EIV access to the user. In accordance with HUD requirements, the user's need for access will be reviewed on a quarterly basis.

At least once a year, staff with EIV access will be required to:

- Participate in training that includes a review of the EIV security policy and
- Complete the EIV Security Awareness Training Questionnaire

The HACD will restrict access to EIV data only to persons whose duties or responsibilities require access. EIV Coordinators will be required to request re-certification on an annual basis. EIV Coordinators are authorized to provide access only to those individuals directly involved in the resident certification process and/or compliance monitoring. EIV Coordinators will carefully review initial and quarterly requests for access and certify only those users who will need access within the next 90 days.

HACD will maintain a record of users who have approved access to EIV data. Further, the HACD will revoke (Expire) the access rights of those users who no longer require such access or modify the access rights if a change in the user's duties or responsibilities indicates a change in the current level of privilege.

The HACD will assure that a copy of Form-9887 and Form 9887-A has been signed by each member of the household age 18 years or older. The 9887 will be presented at move-in and/or initial certification. If a household member turns 18 in the middle of a certification cycle, that household member should sign Form 9887 and Form 9887-A within 7 days of turning 18. (See HUD 9887 Fact Sheet for exceptions due to extenuating circumstances) All HUD-9887's will be placed in a resident file and will be updated on an annual basis for each adult household member.

The HUD 9887 Fact Sheet will be provided to all adult household members required to sign the form. By signing this HUD Form 9887 and HUD Form 9887-A, the applicant/resident authorizes HUD and/or the owner/agent to obtain and verify income and unemployment compensation information from various sources including. But not limited to the IRS, the Department of Health and Human Services and the Social Security Administration, current and former employers and state agencies.

User Names, Passwords and Password Changes

Many systems require frequent changes in passwords. Secure Systems/ EIV passwords will be changed in accordance with HUD Secure Systems requirements. Users will not share user names or passwords with any other employee or with anyone outside the organization. EIV access granted to an employee or authorized user will be revoked when access is no longer

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required or prior to termination of that employee or user to ensure data safety. Termination of EIV Access and un-assigning property access through "Property Assignment Maintenance" is required.

The EIV file will be documented to indicate when user access was terminated by the EIV Coordinator. Documentation of termination will be maintained in the property EIV file and in the employee's personnel file.

Computer System Security Requirements

All computer systems and computers will have password restricted access. The owner/agent will also use Antivirus software to limit data destruction or unintended transmission via virus, worms, Trojan horses or other malicious means. Remote access by other computers other than those specifically authorized is prohibited.

Authorized users of EIV data are directed to avoid leaving EIV data displayed on their computer screens where unauthorized users may view it. A computer will not be left unattended while the user is "logged in" to Secure Systems. If an authorized user is viewing EIV data and an unauthorized user approaches the work area, the authorized user will lessen the chance of inadvertent disclosure of EIV data by minimizing or closing out the screen on which the EIV data is being displayed.

Physical Security Requirements

The HACD may use a combination of methods to provide physical security for resident file records. The EIV data may be maintained in a locked metal file cabinet within a locked file room.

Restricted Areas: The HACD will have the areas clearly identified by the use of prominently posted signs or other indicators. For example "Employees Only". This sign will be posted on the door to the locked file room. The restricted areas will be separated from non-restricted areas by physical barriers that control access and/or will have limited points of entry.

Since the EIV data in resident files is maintained in the locked file room, designated HACD staff will establish and maintain a key control log to track the inventory of keys available, the number of keys issued and to whom the keys are issued. All employees and contractors who have been issued keys to the file room will complete a form acknowledging the receipt of the key. See Appendix A.

Users will retrieve computer printouts as soon as they are generated so that EIV data is not left unattended in printers or fax machines where unauthorized users may access them. EIV data will be handled in such a manner that it does not become misplaced or available to unauthorized personnel.

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Use and Handling of EIV Data

EIV Data serves two

purposes:

1. Verification of specific income information provided by the resident
2. Monitoring resident and staff compliance

Use of the data is described in the EIV User Policies. This policy is designed to describe the security protocol used to protect EIV data.

EIV Printouts

Reports available through EIV will not be printed to a shared printer unless the EIV user plans to immediately retrieve the data. It is preferred that all EIV printouts are sent to the user's personal printer. EIV printouts will be stored in the resident file in a separate manila envelope. The Documentation of EIV Data will be included in the resident file. This entire file will be made available to authorized people including appropriate staff or contractors (i.e. Service Bureaus, contractors performing file reviews, etc.) for the HACD, HUD staff, Contract Administration staff and the Office of the Inspector General.

If other people are tasked with reviewing the file, such as financial auditors complying with the Consolidated Audit Guide (Handbook IG 2000.04), the EIV printout in the manila folder including the EIV printout will be removed from the file and the Documentation of EIV Data will remain in the file to provide appropriate information required by the file audit.

If a resident requests a copy of their own EIV printout, a copy will be produced. The staff person providing the copy will note that the printout is a copy provided to the resident upon request. This note will include the following:

Ⓢ This is not an original, this is a copy provided to: _____

• On _____ 20__

Ⓢ By _____ (name will be printed)

Ⓢ Initials _____

The appropriate staff will make a note in the file any time a copy of the EIV data is obtained by authorized persons and taken off site. This includes copies provided to the applicant/resident, other internal staff, HUD, CA or OIG staff. Under no circumstances will the EIV information

be provided to anyone other than those noted in this paragraph.

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Other Language

Since site staff may not have access to the EIV database, designated staff is responsible for providing income verification and discrepancy information to the site. Information must be sent in such a way as to ensure the security of the data. Preferably, information will be sent electronically via email or via electronic fax. The email will be opened by the appropriate staff person, the information will be printed and the email **will** be immediately deleted from the recipient's email box.

If necessary, printouts will be produced by designated staff and sent express mail. In this case the recipient will be required to sign for the package to ensure that the information is delivered and there is no risk of disclosure to unauthorized persons.

Immediately upon receipt, the printouts will be filed and secured as appropriate. Electronic

Information from EIV

Under no circumstances should anyone save or scan EIV information to retain an electronic copy. In order to ensure compliance with HUD's security requirements, EIV information should only be produced in hard copy and maintained in accordance with the recordkeeping requirements outlined by HUD.

Alternative

In some cases, there may be a need to send or store EIV information electronically. If there is need to store the information on a hard drive, a specific folder will be created. The folder will be password protected to prevent unauthorized access. Information in the folder will be purged periodically to comply with HUD's EIV file retention policies.

If Ely information is copied to portable media (CD, DVD, tape, etc.) that portable media will be destroyed appropriately upon completion of the intended use.

Reporting Improper Disclosures

Recognition, reporting, and disciplinary action in response to security violations are crucial to successfully maintaining the security and privacy of the EIV system. These security violations may include the disclosure of private data as well as attempts to access unauthorized data and sharing of User ID's and passwords. Upon the discovery of a possible improper disclosure of EIV information or other security violation by an employee or any other person, the individual making the observation or receiving the information will contact the EIV Coordinator and designated staff who will document all improper disclosures in writing providing details