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

1.0 PHA Information

PHA Name: Municipality of San Juan PHA Code: RQ006

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

PHA Fiscal Year Beginning: (MM/YYYY): 07/2011

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

Number of PH units: _____ Number of HCV units: 3,103

3.0 Submission Type

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

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

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

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

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

N/A For Annual Plan Only

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.

N/A For Annual Plan Only

6.0 PHA Plan Update

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

None

(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.

All documents related to the PHA plan will be available at:
Second Floor San Juan Integra Building
Ave. Ponce de León #1205, Pda. 17 ½, Santurce

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

HOMEONWERSHIP PROGRAM

The PHA will continue the implementation of the homeownership program in accordance with the administrative plan. The Municipality will not limit the participation to the Program. Those that fulfill the requirements and are willing to become homeowners are invited to participate in the Program.

During this program year program staff will request HOME funds to obtain additional funding sources to be for downpayment and closing cost assistance. In addition we will continue motivating the Section 8 Tenants to become homeowner. We will provide orientation about the requirements of the Homeownership program.

USE OF THE PROJECT-BASED VOUCHER PROGRAM

Intent to Use Project-Based Assistance

The PHA supported its "project-base" until June 30, 2011. After that, it is the intention of the PHA to continue to support these tenants but as regular Section 8 vouchers' holders. Tenants have been provided with vouchers and are in search of a dwelling unit.

	The above mentioned project, which have been provided with funds by the PHA is: ***LAGUNA VIEW, a 91 units' project, located at:*** ***437 Chamires Street*** ***San Juan, Puerto Rico 00924***
8.0	**Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable. **N/A**
8.1	**Capital Fund Program Annual Statement/Performance and Evaluation Report.** As part of the PHA 5-Year and Annual Plan, annually complete and submit **t**he *Capital Fund Program Annual Statement/Performance and Evaluation Report,* form HUD-50075.1, for each current and open CFP grant and CFFP financing. **N/A**
8.2	**Capital Fund Program Five-Year Action Plan.** As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan,* form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. **N/A**
8.3	**Capital Fund Financing Program (CFFP).** ☐ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. **N/A**
9.0	**Housing Needs**. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. **N/A For (High Performer) Annual Plan Only**

9.1	**Strategy for Addressing Housing Needs**. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.** **N/A For (High Performer) Annual Plan Only**
10.0	**Additional Information**. Describe the following, as well as any additional information HUD has requested. (a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. **N/A For (High Performer) Annual Plan Only** (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" **N/A For (High Performer) Annual Plan Only** (c) Sexual Offenders and VAWA Policies **See Appendix 1** (e) Newspaper Ad Promoting and Announcing the Hearing Process **See Appendix 2** (f) List of Persons Assisting to the Public Hearing **See Appendix 3** (g) Form HUD-50077-CR: *Civil Rights Certification* **See Appendix 4** (h) Form HUD-50077: *PHA Certifications of Compliance with the PHA Plans and Related Regulations* **See Appendix 5** (h) RAB Comments **See Appendix 6**

	(h) PHA Administrative Plan **See Appendix 7**

11.0	**Required Submission for HUD Field Office Review**. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office. (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights) **See Appendix 5** (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only) **N/A** (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only) **N/A** (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only) **N/A** (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only) **N/A** (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 Appendix 6** (g) Challenged Elements **N/A (High Performer)** (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only) **N/A** (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only) **N/A**

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

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

Instructions form HUD-50075

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

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

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

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

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

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

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

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

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

(a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.

(b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central off ice of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

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

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

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

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

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

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

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

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

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.

10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.

11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.

12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

13. **Violence Against Women Act (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

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

(a) Hope VI or Mixed Finance Modernization or Development. **1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm

(b) Demolition and/or Disposition. With respect to public housing projects owned by the PHA and subject to ACCs under the Act: **(1)** A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and **(2)** A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent **that approved and/or pending** demolition and/or disposition has changed.

(c) Conversion of Public Housing. With respect to public housing owned by a PHA: **1)** A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/conversion.cfm

(d) Homeownership. A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.

(e) Project-based Vouchers. If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

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

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

(a) To submit the initial budget for a new grant or CFFP;

(b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and

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

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

1. At the end of the program year; until the program is completed or all funds are expended;

2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and

3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

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

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

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

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

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

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

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

(b) Significant Amendment and Substantial Deviation/Modification. PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

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

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

(a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*

(b) Form HUD-50070, *Certification for a Drug-Free Workplace* **(PHAs receiving CFP grants only)**

(c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* **(PHAs receiving CFP grants only)**

(d) Form SF-LLL, *Disclosure of Lobbying Activities* **(PHAs receiving CFP grants only)**

(e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* **(PHAs receiving CFP grants only)**

(f) Resident Advisory Board (RAB) comments.

(g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.

(h) Form HUD-50075.1**, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (Must be attached electronically for PHAs receiving CFP grants only).** See instructions in 8.1.

(i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* **(Must be attached electronically for PHAs receiving CFP grants only).** See instructions in 8.2.

Appendix 1: (Section 10.0 (c)) SEXUAL OFFENDERS AND VAWA

Goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking in accordance with Notice 2006-23.

The following activities, services, or programs are provided by the PHA in partnership with the Integral Development of Women (ODIM) to help child and adult victims of domestic violence, dating violence, sexual assault, or stalking maintain housing.

The Office for the Integral Development of Women (ODIM) was created by virtue of Ordinance 49, Series 1984-1985, with the name of the Office for Women's Affair. On December 21, 2001, Ordinance 51, of Series 2001-2002, was approved. This Ordinance established the Regulations of ODIM. The new Regulations created a new organizational structure that facilitates the offering of more effective services.

The mission of the Office for the Integral Development of Women is to procure the development of women that reside in the municipality of San Juan, promote awareness of their rights, and the development and implantation of a public policy that supports equal opportunities and end discrimination against women.

The office provides transitory housing for women head of households who are victims/survivors of domestic violence, our targeted population, and integral services to prepare participants for the achievement of personal and socioeconomic independence. These services will assist the social, psychological, legal, educational, and protection needs of the residents and their children. The program also provide day care services for children (the municipality's Head Start Program is committed to provide three teachers for the program's day care centers), support for attendance to Head Start Program, health and transportation services. Applicants will be able to participate in the transitory housing program and supportive services during a period of two to three years. During that time women will receive support to overcome their socioeconomic disadvantages so that they can recover their self-esteem and become empowered to take charge of their lives. At the end of this period, applicants should have completed their studies or acquired skills to be permanently employed and will be enabled to acquire permanent housing; they will also have developed their strengths to manage personal life situations and the upbringing of their children. Special attention will be given to women that after a crisis situation and after having received emergency shelter services have become head of their households and are in need of transitory housing and support services.

The services provided are managed by a group of interdisciplinary individuals, composed of social workers, psychologists, assistant teachers and a registered nurse. This team offer individual guidance and advice aiming to promote solutions to problems and situations caused by domestic violence. Also, there is a group of attorneys that will offer legal advice and representation to each applicant that needs it and meets the eligibility requirements.

ODIM also count with the assistance of a helpline, Helpline for guidance and counseling of victims of domestic violence (787-724-1596). The helpline offer the following services, crisis intervention services; guidance and coordination services, 24 hours a day, 7 days a week, considering the outmost confidentiality.

A support group is available weekly. This group meet with surviving victims of domestic violence to help them develop social skills that will facilitate them in breaking the cycle of violence and to become empowered.

ODIM promote the development of activities that educate, inform and guides women of the municipality of San Juan. The International Day of the Working Woman, Women and Finances Day, Breastfeeding Week, Breast Cancer Awareness Month, No more Violence against Women Day and Take our Daughters to Work Day, are some of the above mentioned activities.

Sexual Offenders

The Municipality includes on its administrative plan the following policies:

Sex Related Criminal Activity

Anyone convicted of any type of sexual offense whether subject to lifetime registration requirement under state law or not required to register shall not be admitted to the Housing Choice Voucher Program. In addition assistance will be terminated to those participants who are found convicted of any type of sexual offense.

Screening and Tenant Selection Criteria- Tenant(s) will be terminated or denied admission if any member of the family has ever been convicted for a sexual offense or who is subject to the lifetime registration with federal, state or local law enforcement agencies.

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

(a) Serve Victims (child or adult)

To serve child or adult victims of domestic violence, dating violence, sexual assault, or stalking, the PHA have the Office for the Woman's Essential Development ("Oficina para el Desarrollo Integral de la Mujer – ODIM") which promotes the development of woman, resident of the Municipality of San Juan, by providing direct and effective services through out legal area, social work, interactive counseling and psychology, as well as educational services and interagency coordination. ODIM provide Support Services to Woman's Head of Household ("Servicios de Apoyo para Jefas de Familia") through the project New Horizons Shelter ("Hogar Nuevos Horizontes") and Support Services for Minors ("Servicios de Apoyo para Menores") by The Cradle Home of San Juan Program ("La Casa Cuna de San Juan"). ODIM provides services via telephone through its Hotline for Counseling to Victims of Domestic Violence ("LINEA DE ORIENTACION PARA VICTIMAS DE VIOLENCIA DOMESTICA") at 787-724-1596.

A variety of services are also provided through out other Municipal Services Offices, such as the Capital Health Department ("Departamento de Salud de la Capital"), University College of San Juan ("Colegio Universitario de San Juan"), Recreational & Sports Department ("Departamento de Recreación y Deportes"), Community Development & Housing Department ("Departamento de Vivienda y Desarrollo Comunal"), Police & Public Security Department ("Departamento de Policía y Seguridad Pública"), and Children Development Office ("Oficina para el Desarrollo Infantil"), among others.

(b) Obtain or Maintain Housing

The Community Development & Housing Department ("Departamento de Vivienda y Desarrollo Comunal") of the Municipality of San Juan offers different housing opportunities by programs such as Section 8 Program, Homeless Prevention & Rapid Re-housing Program (HPRP), Homeownership, FSS, HOPWA and HOME.

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

To prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families, the PHA provides a variety of services which include briefings and providing workshops as the awareness seminar on how to manage emergencies and how to avoid child's abuse that was provided to Section 8 Tenants.

Also, as an initiative to enhance the social life of its community, providing them with confidence, the PHA through its Office for the Woman's Essential Development ("Oficina para el Desarrollo Integral de la Mujer – ODIM"), manage its preventive efforts by two programs:

1. Avoid Bad Behavior ("Evitemos los Malos Tratos") – which promote no violence and encourage for equality and respect among human beings. The program develops in youth a life style of no violence and provides them with tools to solve conflicts without violence.
2. At its own time ("Todo tiene su tiempo") – This program educate teenagers to avoid premature pregnancy.

Appendix 2: (Section 10.0 (e)) Newspaper Ad Promoting and Announcing the Hearing Process

ATTACHED NEXT

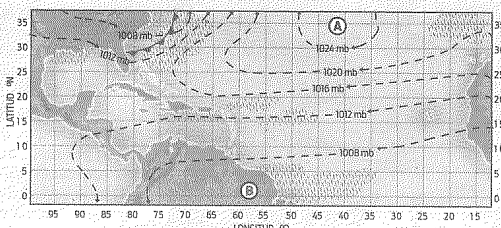
EL TIEMPO SE MANTIENE soleado con brisa y temperaturas cómodas. La nubosidad es variable por los municipios de la mitad este, mientras que el resto de la Isla está más despejado. Por ahora, el sistema de alta presión mantendrá los fenómenos de baja presión alejados de Puerto Rico, y tal vez no sea hasta los primeros días de febrero que tengamos la visita de un frente frío. En sus planes de navegar en lancha o bote, considere que el viento ha deteriorado el mar, y que están vigentes advertencias marítimas hasta el miércoles.

Ada Monzón
Meteoróloga

UNIVISION PUERTO RICO

Ada Monzón también presenta El Tiempo en Las Noticias Univision a las 12:00 m. y a las 6:00 p.m.

Análisis tropical



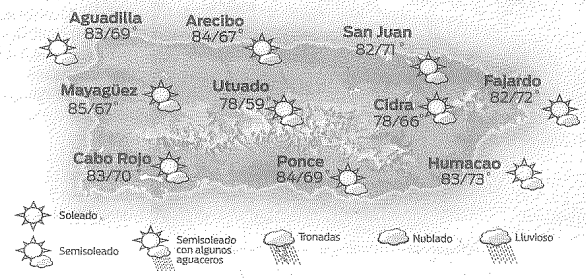
ENCUÉNTRALO EN TU MÓVIL
m.elnuevodia.com
iPhone App disponible

Frente de oclusión · Vaguada o onda tropical · Isobaras · Precipitación · Alta presión · Baja presión · Huracán · Depresión o Tormenta Tropical

Planifique la semana

Miércoles	Jueves	Viernes	Sábado	Domingo
82/71°	82/71°	82/71°	82/71°	82/71°

Pronósticos por área



Mareas

Altas	8:10 a.m. 7:07 p.m.
Bajas	12:40 a.m. 2:40 p.m.

Embalses

Carraízo	La Plata
40.99	51.76
Nivel crítico 37.0 m	Nivel crítico 44.0 m

Fases de la Luna

Luna Llena	Cuarto Menguante	Luna Nueva	Cuarto Creciente
19 de ene.	26 de ene.	2 de feb.	11 de feb.

En las playas

Vientos	Este 15-20 nudos
Oleaje y Marejadas	Atlántico: 6-7 pies Pasaje de Anegada: 6-7 pies Mar Caribe: 4-7 pies Pasaje de Mona: 6-7 pies

El Sol

Salida	7:00 a.m.
Puesta	6:10 p.m.

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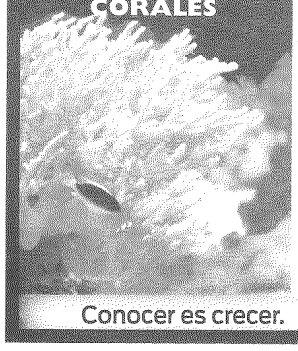
- MANEJO DE CONFLICTOS
- TRABAJO EN EQUIPO
- EVALUACIONES
- DOCUMENTACIÓN DE ACCIÓN DISCIPLINARIA

27 ENERO/ HOTEL CONDADO PLAZA-SAN JUAN

¡INFO: DE COSTO Y REGISTRO LLAME AL 721-3781
Training Resources Associates

PROTEGE LOS CORALES



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SAN JUAN CIUDAD CAPITAL

Anuncio Público

El Municipio de San Juan ha preparado el Plan Anual (Plan de Acción) 2011 del Programa Sección 8. El borrador del plan y todos los documentos asociado a este se encuentran disponibles para ser examinados por el público general, organización sin fines de lucro y todos aquellos interesados, durante horas laborables a partir de la fecha de publicación de este aviso.

Las personas interesadas en emitir comentarios sobre el plan, lo podrán presentar personalmente o por escrito en la Oficina del Programa de Vivienda Subsidiada (Sección 8), localizada en:

Dirección Física: **Edificio San Juan Integra**
3er piso
Avenida Ponce de León 1205
Parada 171/2 Santurce, PR

Dirección Postal: **PO BOX 362138**
SAN JUAN PR 00936

El Municipio de San Juan invita a la ciudadanía en general a participar del cierre de comentarios al plan con la celebración de:

VISTA PUBLICA

Del Plan Anual del Programa Sección 8 del Municipio de San Juan a efectuarse en la Oficina de Vivienda Subsidiada (Sección 8) localizada en el **Edificio San Juan Integra, 3er piso, Avenida Ponce de León 1205, Parada 171/2 Santurce, PR**

La fecha de la vista pública será el **viernes 4 de marzo de 2011 a las 2:00 pm.**

El Lugar seleccionado es de facil acceso para personas con impedimentos físicos. De requerir asistencia especial, debe comunicarse con la Oficina de Vivienda Subsidiada, previo al día de la Vista, al siguiente teléfono (787) 480-5500 ext. 5459 ó 5462.

Les invita,

Jorge A. Santini Padilla
Alcalde de San Juan

Departamento de Vivienda
SAN JUAN · CIUDAD CAPITAL

Este anuncio se publica según requerido por el 24 CFR 903.17

NOTA ACLARATORIA

En nuestro anuncio publicado el sábado 15 de enero de 2011, publicó involuntariamente el siguiente error:
Televisor Bravia KDL-EX40B Modelo de 52" Esp. $699.99
Reg. 849.99. Este precio y descripción corresponde al modelo de 40". No existe tamaño de 52" en este modelo.
Sony Style lamenta cualquier inconveniente que esto le pueda haber causado y agradece su patrocinio.

sony style

Appendix 3: (Section 10.0 (f)) List of Persons Assisting to the Public Hearing

ATTACHED NEXT

VISTA PUBLICA
PLAN DE ANUAL 2011
(PERIODO DE JULIO 1, 2010 A JUNIO 1, 2015)
PROGRAMA SECCION 8

EQUAL HOUSING OPPORTUNITY

Gobierno de Puerto Rico
SAN JUAN, CIUDAD AUTÓNOMA
Jorge A. Santini Padilla - *Alcalde*

MUNICIPIO DE SAN JUAN

Hoja de Asistencia ***VP: 4de marzo de 2011***

NOMBRE:	FIRMA:
Wanda Rivera	
Luz Nereida Lopez	
Magaly Hernandez Gabino	Magaly Hernandez Gabino
Maneva Rodriguez	
DINORAH RIOS	Dinorah Ríos
Enid Sánchez	Enid Sánchez
Luis Gonzalez Casio	LUIS GONZALEZ
Leslie Roman Ortiz	Leslie Roman Ortiz
Noelia Avenaut	Noelia Avenaut
Almida M. Medina	Almida M. Medina
Joan Marie Perez Tovez	

Appendix 4: (Section 10.0 (g)) Civil Rights Certification: Annual Certification and Board Resolution

(Form HUD-50077-CR)

ATTACHED NEXT

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

Civil Rights Certification

Annual Certification and Board Resolution

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

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

Municipality of San Juan	RQ006
PHA Name	PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)	
Name of Authorized Official Hon. Jorge Santini Padilla	Title Mayor
Signature	Date March 29, 2011

APPENDIX 5: Form HUD-50077

ATTACHED NEXT

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

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

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the___ 5-Year and/or_x_ Annual PHA Plan for the PHA fiscal year beginning July 1, 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.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
    (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
    (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
    (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

Municipality of San Juan
PHA Name

RQ006
PHA Number/HA Code

____ 5-Year PHA Plan for Fiscal Years 20____ - 20____

_X_ 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	Title
Hon. Jorge Santini Padilla	Mayor
Signature	Date
	March 29, 2011

APPENDIX 6: Resident Advisory Board (RAB) comments.

PRIOR TO THE PUBLICATION OF THE AD

On January 2011, the RAB was brief about the plan, the policies, its documents and the hearing process. After the review, the plan draft was endorsed (***attached next, dated January 11, 2011***). Then the newspaper ad, announcing the availability of the PHA Annual Plan, was published (January 18, 2011).

AFTER THE PUBLIC HEARING

The Public Hearing took place on January 18, 2011. After presenting the PHA Plan, discussing the process and all its related policies/supporting documents, there were no questions or comments.

Due to the fact that no changes were needed after the Public Hearing, the RAB endorsed the PHA Plan. ***Attached next is the Public Hearing Certification ("Certificación Vista Pública"), dated of March 4, 2011***. (2nd attached document following this page)

REVISION PLAN ANUAL 2011

MUNICIPIO DE SAN JUAN
Oficina Hogar Subsidiado - Programa Sección 8

HOGAR SUBSIDIADO
Departamento de Desarrollo Económico, Turismo y Vivienda
SAN JUAN, CIUDAD CAPITAL

CERTIFICACION JUNTA DE PARTICIPANTES

El pasado 11 de enero de 2011, la Junta de Participantes (RAB, por sus siglas en inglés) **revisó el borrador del Plan 2011** (forma HUD-50075). Una vez se les orientó y se revisó el Plan, determinaron:

✓ que aprueban el borrador del Plan tal como se les presentó.

____ que aprueban el borrador Plan, luego de que expresaron sus dudas y se les aclararon los siguientes puntos: (*Enumere*)

No hubo comentarios

Certificamos lo anterior como correcto, hoy 11 de enero de 2011:

Nombre:	Firma:
Silvia Yulez	
Rosa H. Defarrio	
Ana Candida Maldonado Ramirez	Carmen Sierra
Willy Benitez Jones	Vickmary Benitez Tones

PLAN ANUAL 2011

MUNICIPIO DE SAN JUAN
Programa Sección 8

Gobierno de Puerto Rico
SAN JUAN, CIUDAD AUTÓNOMA
Jorge A. Santini Padilla - *Alcalde*

CERTIFICACION VISTA PÚBLICA

La Junta de Participantes del Programa Sección 8 del Municipio de San Juan, certifica que el 4 de marzo de 2011 se realizó la Vista Pública para discutir el borrador del Plan 2011 (forma HUD-50075), los cambios desde el último año y todos los anejos al Plan Anual 2011. Durante la Vista se orientó a los presentes y se determinó lo siguiente:

__✓__ no fue necesario realizar cambios al mismo.

____ se aclararon las dudas existentes y no fue necesario realizar cambios.

____ se aclararon las dudas y fue necesario realizar los siguientes cambios: (*Indique los cambios)*

_____

_____

_____

_____

_____

Dado el hecho de que el Plan fue revisado, las dudas aclaradas y todos los presentes debidamente orientados, la Junta de Participantes aprueba el Plan del Programa Sección 8 del Municipio de San Juan.

Certificamos lo anterior como correcto, hoy 4 de marzo de 2011:

Nombre:	Firma:
Luz Nereida Lopez	
Magaly Hndz Gabino	Magaly Hndz Gabino
Enid Sánchez	
Luis A. GONZALEZ	Luis A. González Ocasio

APPENDIX 7: PHA’s Administrative Plan

ATTACHED NEXT

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SECTION 1

STATEMENT OF POLICIES AND OBJECTIVES

General

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for the Municipality of San Juan by the Municipality of San Juan Housing Agency.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Agency (MSJHA) staff shall be in compliance with MSJ's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the Municipality of San Juan Housing Agency includes the entire metropolitan area of San Juan.

Housing Agency Mission Statement

The Municipality of San Juan Housing Agency's Mission is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination for all citizens of the Municipality of San Juan.

Program Goals [24 CFR 982.1]

MSJHA has the following goals for the program:

- To expand the supply of assisted housing and apply for any additional vouchers as they become available.
- Improve the quality of assisted housing and attain and maintain a Section 8 Management Assessment score of 90%.
- Increase assisted housing choices by providing mobility counseling to 100% of new families entering the tenant based Section 8 Program.
- Promote self-sufficiency and asset development of assisted households by increasing the number of active participants in the Section 8 Family Self-sufficiency Program and graduate 2% of FSS participants annually.

- Ensure equal opportunity and affirmatively further fair housing objectives through implementation of affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability.

Purpose Of The Plan [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out Section 8 Housing Assistance Programs in a manner consistent with HUD requirements and local goals and objectives contained in MSJHA's Agency Plan.

MSJHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead Based Paint
- 24 CFR Part 100: Non-discrimination, Handicap
- 24 CFR Part 982: Section 8 Tenant-Based Assistance
- 24 CFR Part 985: SEMAP

Rules And Regulations [24 CFR 982.52]

This Administrative Plan is set forth to define MSJHA's local policies for operation of the housing programs in the context of Federal laws and regulations. Such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law, governs all issues related to Section 8 not addressed in this document.

Nondiscrimination and Accessibility [24 CFR 982.54(d)(6)]

It is the policy of the Municipality of San Juan 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.

MSJHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 Programs 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, MSJHA 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.

The Municipality of San Juan Housing Agency shall not:

a) Deny any family the opportunity to apply for housing, nor deny any qualified applicant the opportunity to lease housing suitable to its needs;

b) Provide housing which is different from that provided others;

c) Subject a person to segregation or disparate treatment;

d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;

e) Treat a person differently in determining eligibility or other requirements for admission;

f) Deny a person access to the same level of services.

Addressing Barriers to Equal Housing Opportunities

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 HA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the HA's office in such a manner as to be easily readable from a wheelchair.

In accordance with Section 504 and the Fair Housing amendments Act of 1988, the Municipality of San Juan Housing Agency will make reasonable accommodations to permit people with disabilities to take full advantage of the Section 8 housing programs.

Office, Facility, and Program Accessibility

MSJHA will make every effort to assure that its offices; facilities and programs are accessible to persons with a full range of disabilities. If offices, facilities and programs are not accessible, alternate arrangements will be made, subject to the undue financial and administrative burden test.

Documents and presentations intended for use by applicants and participants will be made available in formats accessible for those with vision or hearing impairments. At the point of initial contact, the Municipality of San Juan Housing Agency staff will ask all applicants whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation, having materials explained orally by staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials (24 CFR § 8.6).

Staff will be trained to provide examples, verbally and in written format, of complicated concepts such as eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance to enable applicants with learning or cognitive disabilities to understand as much as possible. (24 CFR 8.6).

Providing Information to Applicants with Limited Comprehension

Applicants and participants with limited written comprehension will be assisted by MSJHA staff. Applicants and residents who desire to be assisted by person(s) other than MSJHA staff are welcomed to do so, however, the Municipality of San Juan Housing Agency is not required to pay this or any costs associated with this assistance.

Reasonable Accommodations (24CFR 100.202)

Reasonable accommodations shall include assistance for persons with disabilities in locating appropriate accessible units, referrals to other community agencies that provide such assistance and intervention with property owners to negotiate permission to make reasonable modifications in accordance with all provisions of the law.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before MSJHA will treat a person differently than anyone else. MSJHA's 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 forms and letters.

This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the HA, when the HA initiates contact with a family including when a family applies, and when the HA schedules or reschedules appointments of any kind.

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

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

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), 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.

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

Undue Burden

If MSJHA finds that the requested accommodation creates an undue administrative or financial burden, the HA 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 MSJHA (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 MSJHA.

MSJHA will provide a written decision to the person requesting the accommodation within **a** reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the HA's decision.

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.

Translation of Documents

The primary language of the Housing Agency of San Juan is Spanish and the Agency has bilingual staff to assist non-Spanish speaking families and translates documents into other languages upon request. Many standardized HUD documents are available only in English and MSJHA staff will provide verbal translations as needed.

In determining whether it is feasible to provide translation of documents into other languages, the HA will consider the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.
- Availability of bi-lingual staff to provide translation for non-English speaking families.

Privacy Rights [24 CFR 982.551 and 24CFR5.212]

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 and/or MSJHA will release family information. MSJHA will not release other information except as otherwise specifically identified in this Administrative Plan.

All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff. HA staff will not discuss family information contained in files unless there is a

business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

Family Outreach

MSJHA will publicize the opening of the Section 8 Program waiting list in a newspaper of general circulation, minority media, and by other suitable means when there are insufficient applicants to maintain full program utilization.

Owner Outreach (24 CFR 982.54(d)(5)

The Municipality of San Juan Housing Agency will develop, implement and update an ongoing marketing campaign designed to consistently attract new property owners to the Section 8 Housing Assistance Program. Components of this program include but are not limited to the following activities:

- Establish and maintain a strong relationship with the Municipality of San Juan Real Estate community, participating in local real estate associations and related networking functions.
- Conduct one seminar for property owners to inform them of the program and its benefits.
- Create and update program materials designed to attract new landlords particularly in areas of low poverty.

MSJHA will maintain lists of available housing units submitted by owners in all neighborhoods within the Housing Agency's jurisdiction to ensure greater mobility and housing choice to very low-income households. The unit list will be provided to all applicants in their briefing packet and to program participants upon request.

MSJHA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choice and better housing opportunities to families. Voucher holders are informed of a broad range of areas where they may lease units inside the HA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration.

SECTION 2
ELIGIBILITY FOR ADMISSION

General [24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

This Chapter defines both HUD and MSJHA's criteria for admission and denial of admission to the program. The policy of MSJHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply for housing assistance. MSJHA staff will review all information provided by the family carefully and 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 MSJHA pertaining to their eligibility.

Eligibility Factors (24CFR 982.201(b)

MSJHA will accept applications only from families whose head or spouse is at least 18 years of age or an emancipated minor.

To be eligible for participation in the Section 8 Housing Assistance Program, an applicant must meet the following criteria established by HUD:

- An applicant must be a "family"
- An applicant must be within the applicable Income Limits
- An applicant must furnish Social Security Numbers for all family members age six and older
- An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and at least one member of the applicant family must be either a U.S. citizen or have eligible immigration status.

Placement on Waiting List

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors identified above. However, eligibility factors will not be verified before the family is placed on the waiting list. Placement on the waiting list will be based solely on the household's certification. Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A determination of eligibility will be made when the family is selected from the waiting list. Applicants will be placed on the waiting list according to a) number of local preferences and b) the date the complete application is received by the PHA. Applicants with an Administrative Preference take precedence on the list over other applicants.

Reasons for denial of placement on the waiting list or denial of admission are addressed in the "Denial or Termination of Assistance" further in this Administrative Plan. These reasons for denial constitute additional admission criteria.

Family Composition [24 CFR 982.201 (c)]

The applicant must qualify as a family as follows:

1. One or more persons sharing residency, whose income and resources are available to meet the family's needs who may not be related by blood, marriage or operation of law.

2. A single person family may be: an elderly person; a displaced person; a disabled person; or any other single person.

3. A remaining household member who is a member of an assisted household whose original head/spouse is no longer living in the rental unit. Such remaining household members must have been listed on the most recent HUD 50058 and lease, must be of legal age and must be able to carry out the terms of the lease and family obligations. A live-in aid is not a remaining family member. (A household member for whom a subsidy was not paid because the household member did not have eligible citizenship status will not be considered a remaining household member).

Children in Foster Care

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.

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.

Co-Head

The co-head of the household is any adult individual designated by 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 MSJHA to be essential to the care and well being of an elderly person, a near-elderly person, 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).

The following distinct provisions apply to a live-in aide:

- Income of the live-in aide will not be counted for purposes of determining eligibility or amount of housing assistance.
- Live-in aides are not subject to Non-Citizen Rule requirements.
- Live-in aides are not considered as a remaining member of the participant family and are therefore not entitled to any continued housing assistance if the household member they were aiding no longer participates in the program.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

A Live in Aide may only reside in the unit with the approval of the HA. Written verification will be required. The verification provider must certify that a live-in aide is needed for the care of the family member as described above.

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

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

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, MSJHA will determine the family unit that retains the children as the applicant family. If there are no children, MSJHA will require the applicants to jointly agree to the continued applicant or solicit a court decision.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide appropriate documentation, they will be denied continued placement on the waiting list for failure to supply information requested by the HA.

Multi-generational Families

Families applying for assistance, which consist of two or more generations living together, (such as a mother, and a daughter with her own children), will be treated as a single family unit and will be entitled to only one housing voucher for assistance.

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. Legal documentation must be provided for families who claim joint custody or temporary guardianship.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents.

When both parents are on the Waiting List and both are trying to claim the child, the one parent whose address is listed in the school records will be allowed to claim the school age child as a dependent.

MSJHA Policy related to Guest

A guest is a person temporarily staying in the unit with the consent of a member of the household who has express or implied authority to so consent. Any adult not included on the HUD 50058 who has been in the unit more than 30 consecutive days without MSJHA approval, or a total of 60 days in a 12-month period, 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. Any use of the unit address as the visitor's current residence shall be construed as 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 PHA will terminate assistance since prior approval was not requested for the addition.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 30 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return to the original residence.

Other Criteria For Admissions [24 CFR 982.552(b)]

MSJHA will apply the following additional criteria for admission to the program. Violation of any of the following will result in denial of admission.

- The family must not have violated any family obligation during a previous participation in the Section 8 program for 3 years prior to final eligibility determination.
- No family member has committed or has been accused fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the last three years prior to final eligibility determination for the first offense.

- The family must pay any outstanding debt owed to MSJHA or another HA in connection with Section 8 or public housing assistance under the 1937 Act within 15 working days of HA notice to repay.

- No member of the family may have engaged in drug related or violent criminal activity for three years prior to final eligibility determination.

    - To determine whether this has occurred, the HA will check criminal history for all adults in the household to determine whether any member of the family has been arrested and/or convicted of violent or drug-related criminal activity within three years prior to final eligibility determination.

    - In case of individual that complete the conditions of the probation, the 3 year period will commence the day after the completion of the parole.

- No family member may have been evicted from public housing for any reason during the last three years prior to final eligibility determination.

- No family member may have engaged in or threatened abusive or violent behavior toward HA personnel for three years prior to final eligibility determination.

Persons evicted from other federally assisted housing because of an arrest and/or conviction for drug-related criminal activity are ineligible for admission to Section 8 programs for a three year period beginning on the date of such eviction. After the three-year period, the person must certify they are no longer engaging in a drug-related criminal activity and demonstrate successful completion of a rehabilitation program.

The applicant may not misrepresent the information on which eligibility or tenant rent is established. In addition to denial of admission, MSJHA will refer the family file/record to the proper authorities for appropriate disposition.

Tenant Screening [24 CFR 982.307)]

MSJHA will not screen the applicant household for family behavior or suitability of tenancy. At or before MSJHA's approval of the tenancy, MSJHA 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 their tenancy histories, including such factors as:[24 CFR 982.307(a)(3)]

- 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 of others; and

- Compliance with other essential conditions of tenancy.

MSJHA will advise and assist families if they feel that the screening criteria applied by an owner violate any basic Fair Housing Rights of the family. MSJHA will make referrals to the local Fair Housing Agency and/or the appropriate HUD office.

Changes In Eligibility Prior To Effective Date Of The Contract

Admission to the Section 8 Program occurs at the time that an initial Housing Assistance Payments contract is executed with an owner for an eligible unit. Prior to that time, a family is considered an applicant. After execution of the HAP contract, a family is considered a participant. Therefore, changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility.

Ineligible Families

Families who are determined to be ineligible will be notified in writing of the reason for this determination and given an opportunity to request an informal hearing. The ineligible family will be provided with 10 days to request the revision of its case. The petition for review must be in writing.

An informal review is not required for decisions concerning:

- Determination of unit size under the PHA's subsidy standards;
- Determination that a unit does not meet or comply with housing quality standards;
- Denial of a request to extend or suspend a voucher term;
- General policy issues or class grievances;
- Discretionary administrative determinations by the PHA; and
- A PHA refusal to grant approval of the tenancy.

An informal hearing is not required for the following:

- Determination that a unit does not comply with housing quality standards;
- Refusal to extend or suspend a voucher term;
- Discretionary administrative determinations by the PHA;
- General policy issues or class grievances;
- How the PHA established its utility allowance schedule;
- PHA refusal to approve a unit or tenancy;
- Determination that a unit does not meet housing quality standards due to family size or change in composition; and
- A determination to exercise or not to exercise any rights or remedy against the owner.

During the screening period applicants must respond to all written communications and request of documents needed for determination of eligibility. The failure to respond to written communication or the failure to present required documents within the term provided by the PHA will be sufficient to deny admission to the program. This discretionary policy is not subject to informal hearing.

SECTION 3

APPLYING FOR ADMISSION

General [24 CFR 982.204]

The policy of MSJHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but MSJHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be pulled from the waiting list in accordance with this Plan.

Local Preferences [CFR982.207]

The Municipality of San Juan shall utilize local preferences in the selection of applicants from the waiting list. Applicants will be selected based on the preference category and the date and time of application within that category. Applicants will not be selected from a subsequent category until all applicants in the higher ranked category have been exhausted. The following will be the preferences:

- ***Rank 1- Involuntary Displacement*** – An applicant has been involuntarily displaced and is not currently living in standard replacement housing. Applicants shall be considered involuntarily displaced if they have vacated or must vacate their unit as a result of a disaster; governmental action; action by an owner that is beyond the applicant's ability to prevent; or a family member has mobility or other impairment that makes them unable to utilize the critical elements of the unit.
- ***Rank 1- Abused and battered women***- as certified by the City's Office of Women's Development.
- ***Rank 1***- Persons with HIV/AIDS- As certified by the Housing Opportunities for Persons with AIDS Program.
- ***Rank 2- Residents of the Municipality of San Juan***- it is the policy of the Municipality of San Juan to offer a preference to all residents of the City. To receive consideration under this policy the applicants must demonstrate and document that has been residing in the Municipality of San Juan for at least one year.

All other applicants will receive a ranking of 3.

Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2, and all families in preference 2 will be offered housing before any with preference 3. For applicants on the waiting list with the same preference status, the HA will select among applicants using the date and time.

Not withstanding the above, if necessary to meet the statutory requirement that 75% of newly

admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD), the MSJHA retains the right to skip higher income families on the waiting to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the MSJHA will monitor incomes of newly admitted families and the income of the families on the waiting list.

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

The MSJHA may limit the number of applicants that may qualify for any local preference. If the waiting list is closed, the MSJHA will still accept pre-applications involuntary displacement. Proof of preference(s) will be required at the time of application in order to be placed on the waiting list.

Application Process

Families wishing to apply for the Section 8 Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at:

Edificio San Juan Integra
Ponce de León 1205
Parada 171/2, Santurce Puerto Rico
787-722-8088

Pre-Application

When the waiting list is open, any family asking to be placed on the waiting list for Housing Choice Voucher rental assistance will be given the opportunity to submit a completed pre-application. No family shall be prevented from submitting this form because of apparent ineligibility.

The pre-application establishes the family's date and time of application for placement order on the waiting list. The pre-application records any local preference claimed by the applicant family, and gathers information about the family's eligibility for available Special Voucher Programs (e.g., FSS.).
The pre-application is to be filled out by the applicant whenever possible. However, MSJHA staff may complete the form on behalf of the applicant upon request as a reasonable accommodation for a disability.

The purpose of the pre-application is to permit the HA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. The pre-application will contain questions designed to obtain the following information:

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

- Mailing Address (If PO Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information regarding Disabilities to determine qualifications for allowances and deductions
- Information related to qualification for preferences
- Social Security Numbers
- Race/ethnicity
- Citizenship/eligible immigration status
- Arrests/Convictions for Drug Related or Violent Criminal Activity
- Request for Specific Accommodation needed to fully utilize program and services
- Date and time

Ineligible families will not be placed on the waiting list.

Pre-applications will not require an interview. The information on the 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.

When the waiting list is open, completed pre-applications will be accepted from all applicants. The MSJHA will later verify the information in the applications relevant to the applicant's eligibility, admission, and level of benefit. Applications may be made only in person. The completed application will be dated and time stamped upon its return to the MSJHA.

Persons with disabilities who require a reasonable accommodation in completing an application may call the MSJHA to make special arrangements to complete their application.

Applicant Status While On Waiting List [CFR 982.204]

Applicants will be informed of the available local preferences at the time of application and may claim a preference through signed certification. All preferences will be verified at the time of admission. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list (date and time of the application).

If an applicant is determined to be ineligible based on the information provided the MSJHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review.

Applicants are required to inform MSJHA in writing of changes in address. Applicants are also required to respond to requests from MSJHA to update information on their application and to determine their continued interest in assistance. If the family fails to inform or respond to letters sent by the Municipality they will be removed from the waiting list. The Municipality will document in file the reasons for the removal.

Time Of Selection [24 CFR 982.204]

As vouchers are available, families will be selected from the waiting list strictly in the order of preferences as described above. At that time, any preference claimed by the applicant shall be verified.

Requirement to Attend Interview

MSJHA will require the applicant household to attend an interview once they have been pulled from the waiting list. MSJHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information, which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other HA services or programs, which may be available.

Only the head of the family is required to attend the interview and sign the housing application.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than ten (10) days from the original appointment date. The request must be made to the staff person who scheduled the appointment. Failure to do so will result in rejection of the application.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

All adult members must sign the HUD Form 9886, Release of Information; the application form; the declarations and consents related to citizenship/immigration status; and any other documents required by MSJHA. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to sign any consent forms will be cause for denial of the application for failure to provide necessary certifications and release as required by the HA.

If the HA determines at or after the interview that additional information or document(s) are needed, the HA will request the document(s) or information in writing**.** The family will be given thirty (30) days to supply the information. If the information is not supplied in this time period, the HA will provide the family a notification of denial for assistance. No extensions will be given.

Verification [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures found 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. Verifications may not be more than 120 days old at the time of issuance of the Voucher.

Final Determination and Notification of Eligibility [24 CFR 982.201]

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

SECTION 4
MANAGING THE WAITING LIST

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

It is MSJHA's objective to ensure that families are selected from the waiting list for admissions in accordance with the policies in this Administrative Plan. By maintaining an accurate waiting list, MSJHA will ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

Opening and Closing the Waiting List

The Municipality of San Juan Housing Agency will open the waiting list at periodic intervals as determined based on need to assure that an adequate pool of application is available to maintain full program utilization and assist the maximum number of families based on available program funding. An adequate pool is defined as 1,500 individuals. The waiting list will be opened when it reached 500 applicants or less.

The Waiting List will be open for 5 days or when it reaches 1,500 applicants (whatever come first), after any of these goals are reached the PHA will suspend the taking of applications. This will avoid both unnecessary application processing costs and false hopes to applicant families that assistance would be available to them in the near future.

Suspension of application-taking will be publicly announced in the same manner as the public notices for program availability, and once resumed, public notices will be made.

When MSJHA determines that the waiting list should be opened, a notice will be published in a local newspaper of general circulation and in any other suitable media. The notice will state the limitations on who may apply for any available slots and provide information on where and when families may apply for the program. MSJHA may determine that applications will only be accepted from families who qualify for specific preferences under the local preference criteria stated further in this plan.

The HA may open the waiting list for a specific time period or may choose to accept applications on certain days and times. The public notice will specify the time period in which applications will be accepted. Under no circumstances will applications be accepted when the waiting list is closed unless the public notice indicates that MSJHA will continuously accept applications for specific identified preferences.

Waiting List [24 CFR 982.204]

MSJHA will maintain one waiting list for the Section 8 Programs. Applicants will be selected from the waiting lists in accordance with policies and income targeting requirements defined in this Administrative Plan. Applicants may apply for one or more programs in accordance with the criteria

defined for each program.

MSJHA will maintain information that permits proper selection from the waiting list. The waiting list contains the following information for each applicant listed:

- Applicant name, address and other contact information;
- Family unit size (number of bedrooms family qualifies for under HA subsidy standards);
- Annual household income; and,
- Racial or ethnic designation of the head of household.
- Other admission criteria needed to determine eligibility for special programs.
- Preferences

Special Admissions [24 CFR 982.54(d)(e), 982.203]

If vouchers are received as the result of a special funding for targeted groups of households the MSJHA will admit these families under a Special Admission procedure. Special admissions families will be admitted outside of the regular waiting list process and they are not required to be on the program waiting list. MSJHA will maintain separate records of these admissions.

The following are examples of types of program funding that are designated as special admissions:

- Vouchers received for demolition or disposition of a public housing project;
- Vouchers received for multifamily rental housing projects when HUD sells, forecloses or demolishes the project;
- Vouchers received for "opt-out" of FHA insured multi-family projects;

Targeted Funding (24 CFR 982.203)

Special programs are developed in coordination with the Housing Choice Voucher Program such as Shelter Plus Care and Victims of Domestic Violence grants to service certain family types or certain family situations (Homeless, battered women, etc.). Most of these programs require that MSJHA partner with a service agency in the community that provides supportive service to the particular family type. Admission to these programs is contingent of compliance with the partner agency requirements.

When HUD or other federal agencies grants funding under these programs, families who meet the requirements are referred by the partner agency to be placed on the special vouchers under a designated code for each special program type.

MSJHA will continue to receive referrals from partner agencies until all designated vouchers have been utilized. Upon 100% utilization, MSJHA will request that the partner agencies suspend additional referrals until such time that any of the original designated vouchers are turned over and again become available for issuance to applicants. At that time, MSJHA will contact the appropriate partner agency and advise them of the availability of the targeted voucher and a referral will be accepted accordingly.

The provisions for targeted funding identified herein apply to any future programs to be so designated by HUD.

Removal from Waiting List and Purging [24 CFR 982.204(c)]

The Waiting List will be purged when necessary by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

Any mailings to the applicant which require a response will state that failure to respond within 20 calendar days will result in the applicant's name being dropped from the waiting list. An extension of 30 calendar days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability. Verification of the disability will be required.

If the applicant did not respond to MSJHA's request for information or updates because of a family member's disability, MSJHA will reinstate the applicant in the family's former position on the waiting list, upon written verification of the family member's disability provided by a person licensed to provide such verification.

If a letter is returned by the Post Office, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. Mail sent from MSJHA to an applicant will not be forwarded. Mail returned to MSJHA, which is not the result of post office error, will result in the removal of an applicant from the waiting list.

Documentation of postal service error is the responsibility of the applicant and must include a letter from the Postmaster explaining the error which caused the applicant's mail to be returned to MSJHA. Applicants providing acceptable documentation will be returned to the waiting list with their original application date.

Mail sent from MSJHA to an applicant is considered received. If an applicant claims to not have received a mailing from MSJHA, MSJHA will:

- Verify the address on record; AND
- Verify mail was sent to the address on record
- If mail was sent to an incorrect address, the applicant will be returned to the waiting list with their original application date.
- If mail was sent to the correct address, the applicant must submit a new application.

Families who wish to appeal the removal of their application from the waiting list must do so within thirty (30) calendar days from the date the application was removed an informal hearing will be provided.

SECTION 5
SUBSIDY STANDARDS

General [24 CFR 982.54(d)(9)]

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

Determining Voucher Size [24 CFR 982.402]

The subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines. The standards in this section relate to the number of bedrooms on which subsidy will be paid, not the family's actual living arrangements. The following basic principles will prevail when applying subsidy standards:

- One bedroom will be generally be assigned for each two members of the family;
- Consideration will be given to factors such as family characteristics including sex, age, or relationship, medical reasons and the presence of a live-in aide.
- Adults of different generations, persons of the opposite sex (other than significant other persons), and unrelated adults will 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 6 months.
- Live-in attendants will be provided a separate bedroom but no additional bedrooms will be provided for the attendant’s family members.
- Space will be provided for a child who is away at school but who lives with the family during school recesses.
- 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.
- A single pregnant woman with no other family members will be treated as a two-person family.
- Single person families shall be allocated one bedroom. Unless an additional room is necessary for medical reasons.

- If the family selects a smaller unit than the size allocated on the voucher, the voucher size will be adjusted to reflect the actual size of the unit the family selected.

- If the family selects a larger unit that the size allocated on the voucher, the voucher size will not be adjusted and will remain the same as long as the family composition remains the same.

Guidelines for Issuance of Vouchers

The voucher size issued will generally be based on the following guidelines taking into consideration the subsidy standards described above.

Voucher Size	Minimum Number of Household Members	Maximum Number of Household Members
0	1	1
1	1	3
2	2	6
3	3	8
4	6	10
5	8	12
6	10	14

Exceptions To Subsidy Standards [24 CFR 982.403(a),(b)]

MSJHA shall consider request for exceptions from the subsidy standards if the family makes such request during the admission or reexamination. The exception must be approved by the Section 8 Manager and the Housing Director in writing and must provides sufficient justification based on health or disability of family members, or other individual circumstances that may warrant an exception to the standards.

Changes in Voucher Size

The voucher size is determined prior to the admission briefing by comparing the family composition to the MSJHA subsidy standards. If an applicant requires a change in the voucher size, based on the requirements of the subsidy standards, the above referenced guidelines will apply.

If MSJHA errs in the bedroom size designation, the family will be issued a new voucher of the appropriate size for the full period allocated for new program admissions. If the family makes a request for an exception to the subsidy standard and such request is granted, the family shall be issued a new voucher for the time remaining under the initial issuance period.

If there is an addition to the household after the voucher has been issued, MSJHA will not increase the voucher size, unless the addition to the household is due to birth, adoption or court-awarded custody.

The members of the family residing in the unit must be approved by MSJHA. The family must

obtain approval of any additional family member before the new member occupies the unit. Additions to the household resulting from birth, adoption, or court-awarded custody must be reported to MSJHA, in writing, by the next annual recertification.

A family's voucher size may be increased only at the annual recertification. If there is an addition to the household once the annual recertification process has been completed, MSJHA will not increase the voucher size until the next annual recertification.

MSJHA will decrease the family's voucher size whenever there is a decrease in the family's household.

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the HA will issue a new voucher of the appropriate size at the anniversary date of the current lease agreement and assist the family in locating a suitable unit.

Unit Size Selected [24 CFR 982.402(c)

The family may select a larger size unit than that listed on the Voucher but the following criteria shall apply:

- **Subsidy Limitation**: The family unit size as determined under the subsidy standards for a family assisted in the voucher program is based on the 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.
- **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.
- **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.

Housing Quality Standards
Maximum Occupancy in Units Selected

Unit Size	Maximum Occupants
0	2
1	2
2	4
3	6
4	8
5	10
6	12

SECTION 6
TOTAL TENANT PAYMENT

General [24 CFR Part 5, Subparts E and F; 982.153, 982.551]

MSJHA will use the methods set forth in this Administrative Plan to verify and determine that family income at admission and at annual re-certification is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

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

Minimum Rent [24 CFR 5.616]

The MSJHA sets its minimum rent at $50. The minimum rent is a minimum total tenant payment. Exemptions will be granted if a determination is made that the family is unable to pay the amount due to financial hardship. Financial hardship includes circumstances in which families:

- have lost eligibility or are awaiting an eligibility determination for a federal, state or local assistance program, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
- would be evicted as a result of imposing the minimum rent requirement as evidenced by an eviction notice or demand for rent;
- experience income decreases because of changed circumstances including the loss of employment; or
- have a death in the family.

If a family requests a hardship exception, MSJHA suspend the minimum rent charge and adjust the HAP payment effective on the first of the month following the change in the family's circumstances. Documentation of the hardship will be requested and a determination of whether the hardship is temporary or long term will be made.

If the hardship is determined to be temporary, the minimum rent is suspended for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent is reinstated retroactively to the date of suspension. MSJHA will offer to execute a reasonable repayment agreement to cover the minimum rent charges accumulated during the suspension period. Hardship determinations are subject to MSJHA's informal hearing process.

If the hardship is determined to be long-term, the family is exempted from the minimum rent from the date the suspension was originally granted until such time as a hardship no longer exists.

PHA Minimum Rent Exception Policies

The following conditions will make the participant families eligible for a waiver of the minimum rent:

- The participant resides in a SRO unit;
- The participant is considered elderly (65 years or older) and has an income below the very low income limit;
- Persons with impediments

For these conditions the MSJHA will automatically apply the minimum rent waiver.

Suspension of Minimum Rent

MSJHA will grant the minimum rent exception to all families who request it, effective the first of the following month. The minimum rent will be suspended until the HA determines whether the hardship is: covered by statute; temporary or long term.

"Suspension" means that the HA must not use the minimum rent calculation until the MSJHA made this decision. During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

If MSJHA determines that the minimum rent is not covered by statute, MSJHA will impose a minimum rent including payment for minimum rent from the time of suspension.

Temporary and long terms are defined as follows:

- **Temporary Hardship -** If MSJHA determines that the hardship is temporary; a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of suspension.

- **Long-Term Duration Hardships** [24 CFR 5.616(c)(3)] - If it is determined that there is a qualifying long-term financial hardship, the HA must exempt the family from the minimum rent requirements for as long as the hardship continues. The exemption from minimum rent shall apply from the first day of the month following the family's request for exemption.

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

It is the responsibility of the head of household to report changes in family composition. MSJHA will evaluate absences from the unit using this policy.

MSJHA will compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, MSJHA will 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 exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

- **Temporarily Absent**: Defined as away from the unit for more than 30 days.

- **Permanently Absent**: Defined as away from the unit for 180 consecutive days except as otherwise provided in this Chapter.

- **Medical Absence**: Defined as any family member that leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center. MSJHA will seek advice from a reliable medical source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will 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 "Absence of Entire Family" policy.

- **Absence Due to Full-time Student Status**: A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Voucher size. When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the MSJHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

- **Absence Due to Incarceration**: If the sole member is incarcerated for more than 180 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for three (3) consecutive months. The HA will determine if the reason for incarceration is for

drug-related or violent criminal activity. Appropriate action regarding assistance will be taken in accordance with the provisions in this plan.

- **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, MSJHA will determine from the appropriate agency when the child/children will be returned to the home. If the time period is to be greater than six (6) months from the date of removal of the 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 subsidy standards.

- **Absence of Entire Family**: Defined as situations when the family is absent from the unit, but has not moved out of the unit. "Absence" means that no family member is residing in the unit. In order to determine if the family is absent from the unit, MSJHA may write letters to the family at the unit, telephone the family at the unit, interview neighbors, verify if utilities are in service, and check with the post office. Families are required both to notify MSJHA before they move out of a unit and to give MSJHA information about any family absence from the unit.

    - Families must notify MSJHA at least 30 days before moving out of the unit or no less than 15 days after leaving the unit if they are going to be absent from the unit for more than 30 consecutive days.

    - If it is determined that the family is absent from the unit, MSJHA will continue assistance payments for the period of time estimated that the family will be absent but not more than six months provided that the family gave proper notice to MSJHA. If the family did not provide proper notice, then assistance will be terminated at the end of the month following 30 days after notification of absence.

    - In cases where the family has moved out of the unit, MSJHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

- **Caretaker for Children**: Defined as a person placed in an assisted unit by an appropriate certified service agency that is acting as the legal guardian for children on the lease agreement. The following criteria will apply to these situations.

    - If an appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, MSJHA will treat that adult as a visitor for the first 120 days.

    - If by the end of 120 days, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

    - If the appropriate agency cannot confirm the guardianship status of the caretaker, MSJHA will transfer the voucher to the caretaker on a temporary basis with the condition that the caretaker must release the voucher if the original parent(s) are

awarded custody at a later date.

- **Absence Due to Court Order**: If a member of the household is subject to a court order that restricts him/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 50058 who has been in the unit more than fourteen (14) consecutive days without MSJHA approval, or a total of fourteen (14) days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

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 permanent residence.

The burden of proof that the individual is a visitor rests on the family. MSJHA may request lease agreements, utility bills or other such documentation identifying an address other than the assisted unit as the permanent residence of the individual in question. In the absence of such proof, the individual will be considered an unauthorized member of the household and the HA will terminate assistance 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 120 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 51 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Changes in Family Composition

Reporting changes in household composition is a basic family obligation under the voucher agreement between MSJHA and the assisted family. The family obligations require approval to add any other family member as an occupant of the unit and to inform MSJHA of the birth, adoption or court-awarded custody of a child within 15 days of move-in.

The family must request prior approval from MSJHA of additional household members in writing. In addition, the family must comply with the terms of their lease agreement with the owner which may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody. An interim reexamination will be conducted for any additions to the household.

If the family does not obtain prior written approval, any person the family has permitted to move in

will be considered an unauthorized household member.

SECTION 7
VERIFICATION PROCEDURES

General [24 CFR Part 5, Subparts B, D, E and F; 982.158; 24CFR Part 5.617]

All factors affecting eligibility for the Section 8 Program and calculation of total tenant payment, tenant rent and housing assistance will be verified by MSJHA. HA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information upon request by MSJHA. Verification requirements are designed to maintain program integrity. This section explains the procedures and standards for verification of income, assets, allowable deductions, family status, and changes in family composition. MSJHA will obtain proper authorization from the family before requesting information from independent sources.

Methods of Verification And Time Allowed [24 CFR 982.516]

All required information will be verified using three methods of verification in the following order:

- **Third-Party Written** – This method requires a written document to be sent to the source of the verification and a written response to be received via facsimile or mail service. Hand carried third party verifications are not acceptable. Verifications received electronically directly from the source are also considered third party written verifications.

- **Third-Party Oral** – This method requires an authorization form signed by the applicant or participant to be sent to the source of the verification and a MSJHA staff member verifies by telephone the required information and records such information on the required verification forms.

- **Review of Documents** – This method is used for documents that are hand-carried by the applicant or participant and copied at the MSJHA office or reviewed by staff with the information recorded and certified by staff on the requisite forms.

- **Self-certification or self-declaration** forms from the applicants or participants- When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification. Self-certification means a statement under penalty of perjury are not acceptable methods of verification.

MSJHA will allow two (2) weeks for return of third-party verifications and two (2) weeks to obtain other types of verifications before going to the next method identified above. The file must be documented as to why third party written verification was not used.

Verifications may not be more than 120 days old at the time of issuance of a voucher to a program applicant or a program participant. Therefore, a re-certification must be completed prior to issuance of a voucher for any program move in which the last re-certification was completed more than a 120

days prior to issuance of the voucher.

Up-Front Income Verification Techniques

Even when applicant/participant interviews are thoroughly conducted, families may not disclose all sources of income. MSJHA will make every effort to develop and implement use of up-front income verification methods to assist in accurately determining household income. Resources available for up-front income verification include the following:

- **TASS** – TASS matches Social Security (SS) and Supplemental Security Income (SSI) to comparable tenant data from MTCS and TRACS databases. HUD provides internet-based access to SS and SSI benefit information. Each month, MSJHA will access the TASS database and extract the information on individuals who have unreported or underreported SS or SSI benefits.

- **SWICA (State Wage Information Collection Agencies) –** The Puerto Rico Department of Labor and the Puerto Rico Treasury department are source of information on employers and reported wages. SWICA's can disclose wage information and whether an individual is receiving, has received, or has made application for unemployment compensation, and the amount of any such compensation.

- **Credit Bureau (CBA) Reports –** The CBA credit profile is derived from the Experian consumer credit database. The credit profile contains public record information, credit relationships, inquiries and demographic information. MSJHA will utilize a credit report for all new applicants and annually for each participant as a way of screening for underreported or unreported income. Families must be able to provide MSJHA with documentation of income for all open credit accounts. Payment by other persons outside the assisted household will be considered income in accordance with the provisions of regular contributions and gifts described elsewhere in this Plan.

- **The Work Number –** The Work Number is an automated service that provides controlled access to a national database of employment and income records. State and Federal agencies can have automated access to this information provided the employer's records are part of the Work Number.

- **Internal Revenue Service (IRS) Letter 1722 –** Known as a tax account listing, this document shows the applicant/participants filing status, exemptions claimed, adjusted gross income, taxable income and taxed paid. Individuals can obtain their own listing by calling the IRS. MSJHA will inform families with applicable taxable income identified through other sources, that they must provide this document on an annual basis.

Projecting Annual Income When Upfront Income Verification (UIV) Data is Available

The Municipality of San Juan Housing Agency will utilize the following HUD criteria to consistently

and uniformly resolve income discrepancies between the up-front income verification data and information provided by the applicant/participant. HUD defines a *substantial difference* as one that is $200 or more per month.

- **UIV Income Data is Not Substantially Different than Tenant-Provided Income Information**

  MSJHA will utilize only the UIV verification documents and will not secure 3rd party verifications when there is no substantial difference between UIV and tenant-reported income. The following guidelines will be utilized to calculate annual income:

  - If UIV income data is less than **current** tenant-provided documentation, MSJHA will use tenant-provided documents to calculate anticipated annual income.

  - If UIV income data is more than **current** tenant-provided documentation, MSJHA will use UIV income data to calculate anticipated annual income **unless** the family provides the HA with documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, the HA will use tenant-provided documents to calculate anticipated annual income.

- **UIV Income Data is Substantially Different than Tenant-Provided Income Information**

  In cases where UIV income data is substantially different than tenant-reported income, MSJHA shall utilize the following guidelines:

  - The HA shall request written third party verification from the discrepant income source, in accordance with the criteria described in this section of this plan (24 CFR 5.236(3)(i).

  - **The HA should review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the HA can not readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.**

  - **The HA must analyze all data (UIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy.**

  - **The HA will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.**

If MSJHA is unable to anticipate annual income using current information due to historical fluctuations in income, MSJHA will average amounts received/earned to anticipate annual income.

If the tenant disputes UIV Social Security (SS)/ Supplemental Security Income (SSI) benefit data, the tenant shall provide a current, original Social Security Administration (SSA) notice or benefit letter

within 10 business days of the HA interview date.

Resources for Historical Income Data

The following documents serve as resources for historical income data if such data is needed in determining annual income based on a substantial difference between UIV and reported income.

- Social Security Earnings Statement (summary of gross earnings for each year that the participant has worked in his/her lifetime) may be obtained from the Social Security Administration. Request for this document may be done via mail or online at www.ssa.gov

- Two years of earnings may be obtained from the UIV System or local State Wage Information Collection Agency (SWICA). This information is not available to HAs in States that the local SWICA has entered into an agreement with HUD to obtain wage and unemployment compensation data.

- Last eight (8) amounts of Social Security benefits paid to a participant (or household member) may be obtained from the TASS or UIV system.

Request of Information to State Agencies

Every four years the Municipality will request access to State Agencies to verify information from program participants. The Municipality will undertake the following procedure:

- A letter will be sent to State Agencies requesting access to program participant's income and/or benefit information. A sample letter will be kept on file.

Release of Information [24 CFR 5.230]

All adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form. In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886. Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance based on violation of the family obligation to supply any information and to sign consent forms.

HUD Income Discrepancy Program

HUD is precluded from disclosing information from the Internal Revenue Service (IRS) to MSJHA. However, 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 HA (24 CFR 5.240). HUD's letter to the family will also notify the family that HUD has notified the HA in writing that the family has been advised to contact the HA. HUD will send the HA a list of families who have received "income discrepancy" letters.

When the HA receives notification from HUD that a family has been sent an "income discrepancy" letter, the HA, after 40 days following the date of notification, 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.

When the family provides the required information, the HA will verify the accuracy of the income information received from the family, review the interim re-certification 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 the participant fails to respond to MSJHA, MSJHA will ask HUD to send a second letter. After an additional 40 days, MSJHA will send a letter to the head of household, warning of the consequences if the family fails to contact the HA within two weeks.

If the tenant claims a letter from HUD was not received, MSJHA will ask HUD to send a second letter with a verified address for the tenant. After 40 days, the HA will contact the tenant family. After an additional 40 days, the HA will set up a meeting with the family to complete IRS forms 4506 and 8821.

If the tenant family fails to meet with the HA or will not sign the IRS forms, the HA will send a warning letter to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the HA and/or sign forms.

If tenant does receive a discrepancy letter from HUD, The HA will set up a meeting with the family. If the family fails to attend the meeting, the HA will reschedule the meeting. If the family fails to attend the second meeting, the HA will send a termination warning. The family must bring the original HUD discrepancy letter to the HA.

If tenant disagrees with the tax data contained in the HUD discrepancy letter, the HA will ask the tenant to provide documented proof that the tax data is incorrect. If the tenant does not provide documented proof, the HA will obtain proof to verify the Federal tax data using third party verification.

Items to Be Verified [24 CFR 982.516]

The following information must be verified to determine initial program eligibility, to calculate total tenant payment, tenant rent and housing assistance and at each annual re-certification of income.

- All income not specifically excluded by the regulations.
- Full-time student status including High School students who are 18 or over.
- Current assets including assets disposed for less than fair market value in preceding two years.
- Childcare expense where it allows an adult family member to be employed or to further

his/her education.

- Total medical expenses of all family members 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.
- 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.
- Family/Marital status when needed for head or co-head definition.
- Verification of Reduction in Benefits for Noncompliance

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

Clarification regarding Periodic and Determinable Allowances

Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling must be counted toward the income of the family.

This income category includes periodic and determinable allowances, such as alimony and child support, as well as regular contributions and gifts from organizations or persons not residing in a family's unit. Regular contributions or gifts include rent and utility payments made on behalf of a family and other cash and noncash contributions provided on a regular basis. If contributions or gifts are received irregularly, sporadically, or infrequently (such as birthday presents), they are not included in annual income. It is the policy of the MSJHA to count as income all regular contributions or gifts and payments made on behalf of a family for any purpose. The following are examples:

- The father of a young single mother receiving public housing assistance regularly pays her monthly utility bills. On average he provides $100 each month. The $100 per month must be included in the daughter's annual income.

- The son of an elderly woman receiving HCV assistance pays his mother's $175 share of rent each month. The $175 value must be included in the mother's annual income.

- The uncle of a participant pays the monthly payment of a private school of the participant's son ($300 per month). The $300 value must be included in the mother's annual income.

Verification Of Income, Assets and Allowances [24 CFR 982.516]

Verification will be conducted using the following procedures:

- **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: UIV SWICA statements; employment verification form completed by the employer; check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings; W-2 forms plus income tax return forms; income tax returns signed by the family must 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, MSJHA will require the most recent federal income tax statements.

- **Social Security, Pensions, Supplementary Security Income (SSI), Disability Income -** Acceptable methods of verification include, in this order: UIV TASS statements; benefit verification form completed by agency providing the benefits; award or benefit notification letters prepared and signed by the providing agency; computer report electronically obtained or in hard copy.

- **Unemployment Compensation -** Acceptable methods of verification include, in this order: UIV SW"ICA statements; verification form completed by the unemployment compensation agency; computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts; payment stubs.

- **Welfare Payments or General Assistance -** Acceptable methods of verification include, in this order: UIV on-line statements from State Welfare systems; verification form completed by payment provider; 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; computer-generated Notice of Action; computer-generated list of recipients from Welfare Department.

- **Alimony or Child Support Payments -** Acceptable methods of verification include, in this order: UIV on-line statements from Child Support agencies; copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules; a notarized letter from the person paying the support; copy of latest check and/or payment stubs from Court Trustee. HA must record the date, amount, and number of the check.

  - 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 notarized affidavit from the

family indicating the amount(s) received; 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, MSJHA 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: IRS Form 1040, including: Schedule C (Small Business); Schedule E (Rental Property Income); Schedule F (Farm Income); 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; audited or unaudited financial statement(s) of the business; credit report or loan application; Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.**

- **Recurring Contributions -** The family must furnish a notarized statement which contains the following information: the person who provides the gifts; the value of the gifts; the regularity (dates) of the gifts.

- **Zero Income Status -** Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, are not being received by the household. MSJHA will also request information from the Department of Labor. A credit report will also be used if information is received that indicates the family has an unreported income source. Households processed with zero income must complete a detailed survival statement annually.

- **Full-time Student Status -** Only the first $480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income. Financial aid, scholarships and grants received by full time students are not counted towards family income. Verification of full time student status includes: written verification from the registrar's office or other school official; school records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution. For university students be considered full time they must be enrolled with 9 or more credits per semester.

- **Savings Account Interest Income and Dividends -** Acceptable methods of verification include, in this order: account statements, passbooks, certificates of deposit, or HA verification forms completed by the financial institution and 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; IRS Form 1099 from the financial institution, provided that the HA 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: 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.); amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

- **Net Rental Income from Property Owned by Family -** Acceptable methods of verification include, in this order: IRS Form 1040 with Schedule E (Rental Income); copies of latest rent receipts, leases, or other documentation of rent amounts; 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; lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

- **Family Assets -** MSJHA will require information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash). Acceptable verification may include any of the following: verification forms, letters, or documents from a financial institution or broker; passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker; quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate; real estate tax statements if the approximate current market value can be deduced from assessment; financial statements for business assets; copies of closing documents showing the selling price and the distribution of the sales proceeds; appraisals of personal property held as an investment.

- **Assets Disposed of for Less than Fair Market Value (FMV)** - For all certifications and re-certifications, MSJHA 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 re-certification. If the family certifies that they have disposed of assets for less than fair market value, verification 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.

- **Child Care Expenses** - Written notarized verification from the person who receives the payments is required. Verifications must specify the child care provider's name, address, telephone 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.

- **Medical Expenses -** All expense claims will be verified by one or more of the methods: 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; written confirmation by the insurance company or employer of health insurance premiums to be paid by the family; written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months.

- **Assistance to Persons with Disabilities** [24 CFR 5.611(c)] - 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. Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

  Attendant Care: Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided. Certification of family and attendant and/or copies of canceled checks family used to make payments.

  Auxiliary Apparatus: Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment is needed.

Verifying Non-Financial Factors [24 CFR 5.617(b)(2)]

In order to prevent program abuse, MSJHA will require applicants to furnish verification of legal identity for all family members. The following documents 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; U.S. military discharge (DD 214); or U.S. passport.

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following: certificate of birth; adoption papers; or custody agreements.

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. 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 court-ordered maintenance or other legal records. Verification of marriage status is a marriage certificate.

Verification of Permanent Absence of Family Member

If the family reports an adult member who was formerly a member of the household permanently absent, the following information must be presented as verification prior to removing any household member from the assisted household: legal evidence of divorce action; evidence of legal separation; order of protection/restraining order obtained by one family member against another; lease or rental agreement showing the individual listed as the member of another household; a document from a Court or correctional facility stating how long they will be incarcerated.

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 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 following documents showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate: 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; IRS Form 1099; benefit award letters from government agencies

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.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the HA. The applicant/participant or family member will have an additional thirty (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 HA 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 sign a certification to this effect.

SECTION 8
VOUCHER ISSUANCE AND BRIEFINGS

General (24CFR 982.301, 982.302]

MSJHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit; that families are provided sufficient knowledge and information regarding the program; and, how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, MSJHA 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, program procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

Issuance Of Vouchers [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, MSJHA will issue vouchers to applicants whose final eligibility has been determined. MSJHA 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.

Vouchers will be over-issued based on the average success rates from the previous fiscal year. All vouchers, which are over-issued, will be honored even if it results in being over-leased for a given period of time. In the case of over-leasing, MSJHA will adjust future issuance of vouchers in order not to exceed the budget limitations over the entire fiscal year. The Municipality will not exceed the ABA and the total number of vouchers established by HUD in the annual baseline.

Briefing Types And Required Attendance [24 CFR982.301]

Initial Applicant Briefing

A full program briefing will be conducted for applicant families who are determined to be eligible for assistance. All briefings will be conducted in Spanish and will utilize audio-visual aids to assist applicants with limited comprehension or second language needs. Other reasonable accommodations will be provided to individuals who are disabled upon notification to MSJHA. While we recognize the inconvenience to the family, children will not be permitted at the briefing session in order to ensure an informative learning environment that will meet the needs of all applicants. Briefings will be conducted in individual or group meetings.

The purpose of the briefing is to explain how the program works and distribute the required documents in the voucher packet to applicants. This will enable families to utilize the program to their advantage, and prepare them to discuss the Housing Choice Voucher Program with potential owners and property managers.

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

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the voucher program include the following required items:

- HUD approved voucher form indicating the term of the voucher;
- MSJHA's policy for requesting extensions of the voucher;
- A description of the method used to calculate the housing assistance payment for a family;
- Payment standards and utility allowance schedule(s);
- Explanation of the maximum allowable rent for an assisted unit including the rent reasonableness standard and affordability standards;
- Owner and family responsibilities;
- Portability procedures and an explanation of how portability works;
- HUD required tenancy addendum;
- HUD approved Request for Tenancy Approval (RTA) form;
- Owner disclosure of lead based paint;
- A statement of the MSJHA policy on providing information about families to prospective owners;
- HUD required information on lead-based paint;
- Applicants rights to a review of MSJHA decisions and participants rights to informal hearings;
- Requirements for reporting changes in income and family composition;
- Information on security deposits and legal referral services;
- Fair Housing rights and a housing discrimination complaint form;
- Available information related to prospective rental units;
- Information about the Family Self-sufficiency Program; and,
- Information about the Section 8 Homeownership Program.

Housing Opportunity and Mobility

MSJHA will provide mobility counseling to assist applicants and program participants with assistance in locating to areas of low poverty. An analysis of unit location will be conducted by zip code and census tract and, compared with census data on poverty levels. This data will be geocoded and tracked on a annual basis to determine movement. Specific effort will be made to identify property owners in those census tracts that are below the city-wide poverty level.

Security Deposit Requirements [24 CFR 982.313]

The payment of a security deposit is an issue strictly between the owner and the voucher holder. The Section 8 program does not assist with security deposit payments and the Housing Choice Voucher Program does not provide for any special claims or payments for unpaid rent, damages or vacancy loss to the owner.

The owner is not required to, but may collect a security deposit from the assisted household in accordance with local market practices. Security deposits charged by owners may not exceed those charged to unassisted households nor exceed the maximum prescribed by state or local law.

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 MSJHA and the Family, specifying the rights and responsibilities of each party. It does not constitute admission to the program, and the family remains an applicant, until such time that a lease and contract become effective.

The voucher is valid for a period of sixty calendar days from the date of issuance. The family must submit a Request Tenancy Approval (RTA) within the sixty-day period or request an extension in accordance with the extension provisions outlined below.

If the Voucher has expired, and has not been extended, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Extensions of the Voucher

Extensions will be granted only if the family provides a written documented record to MSJHA indicating property owners contacted, units visited and the reasons why these units were unacceptable. Extensions will be granted for a period of an additional 30 days.

The family must submit an acceptable RTA within the extension period or assistance will be denied. The family will not be entitled to a review or a hearing.

MSJHA will extend the voucher term up to 120 days from the beginning of the initial term if the family needs and makes a written request for an extension as a reasonable accommodation to make

the program accessible to and usable by a family member with a disability, provided that such request is made prior to the expiration of the initial term of the voucher.

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, MSJHA will issue the voucher to the family member who retains custody of the greatest number of minor children. When no minors are presents the PHA will conduct a lottery system in which the winner will remain as the voucher holder.

Transfer and Retention Of Voucher [24 CFR 982.315]

Assistance may only be transferred to someone other than the designated head of household or co-head of household if the head or co-head involuntarily leaves the household. No household member may voluntarily assign the assistance to another household member. Assistance will only be transferred if a remaining member of the household is a sole member or legally obtains custody of the remaining minor members of the household. To be considered the remaining member of the assisted family, the person must have been previously approved by MSJHA to be living in the unit, identified on the HUD 50058 at the most recent re-certification and be listed on the most recent lease agreement with the owner.

A live-in attendant, by definition, will not be considered a remaining member of the family and will not be entitled to any continued assistance if the person who they were assisting ceases to receive assistance for any reason. A minor child may only be considered as a remaining member of the household if a court has awarded emancipated minor status to the minor. A reduction in family size may require a corresponding reduction in the voucher family unit size.

SECTION 9
APPROVAL OF TENANCY AND CONTRACT EXECUTION

General [24 CFR 982.302]

MSJHA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. Program objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the metropolitan area of San Juan. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with MSJHA. This Chapter defines the types of eligible housing, MSJHA's policies, which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests Tenancy Approval (RTA).

Request For Approval Of Tenancy [24 CFR 982.302, 982.305(b)]

The Request for Approval of Tenancy (RFAT) must be submitted by the family during the term of the voucher. The family must submit the RTA in the form and manner required by MSJHA as follows:

All corresponding blanks on the RTA form must be fully completed and legible, including the age of the building and the most recent rent charged;

The form must be signed by both the owner and voucher holder;

The RTA addendum must be completed indicating the owners federal tax identification number or social security number, the census tract of the unit and other requested information;

The family may not submit more than one RTA at a time.

The HA will review the RTA documents to determine whether or not they are approvable based on the following criteria:

- The unit is an eligible type of housing under the program;
- The rent to owner plus tenant paid utilities does not exceed the applicable payment standard for the bedroom size of the voucher issued to the family; or the rent requested meets the affordability test (does not exceed 40% of the households monthly adjusted income); and,
- The rent is reasonable in comparison to unassisted like units in the same location.

If MSJHA cannot approve the RTA based on any of the above, MSJHA staff will contact the owner

to determine if they are willing to negotiate within terms that would be approvable under the program requirements. If the owner and MSJHA are unable to reach acceptable terms, the voucher holder will be notified within 5 days and advised that the unit is not acceptable. The voucher holder will have the remaining period on their voucher to locate an acceptable unit. The voucher time will not be suspended or "tolled" during this period.

Eligible Types Of Housing [24 CFR 982.353]

Any of the following types of housing are eligible to be considered for assistance under the Housing Choice Voucher Program:

- All structure types: single family, duplex, multi-family, low rise or high-rise;
- Manufactured homes where the assisted family leases the mobile home and the pad;
- Manufactured homes where the assisted family owns the mobile home and leases the pad;
- Group Homes or shared housing;
- Congregate and Assisted Living facilities (only the shelter rent is assisted);
- Single Room Occupancy facilities;
- Units owned (but not subsidized) by the HA;
- Units being purchased by the assisted family in accordance with the Section 8 Homeownership criteria;
- A cooperative housing development in which the family owns shares would still be considered a lease arrangement under the voucher program.

Lease Review [24 CFR 982.308]

The family and owner must submit a standard form lease commonly used in the Municipality of San Juan and that is used for the owner's unassisted tenants at the premises. The terms and conditions of the lease must be consistent with State and local law. The lease must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family.

The initial term of the lease agreement must be for a minimum of 12 months unless MSJHA determines that a shorter term will improve housing opportunities for the assisted household. Owners may elect to execute a lease for an indefinite extension of the initial term (the endless lease), which will allow the owner the ability to terminate tenancy during the lease only by instituting a court action. However, owners may elect fixed, definite extensions of the initial lease, such as year-to-year. This option allows the owner to terminate tenancy without cause at the end of the initial term or any subsequent term.

The HUD prescribed tenancy addendum, which is attached to the Housing Assistance Payments contract, as Part C, will always take precedence over any other terms and conditions in the owner's lease with the tenant. House rules of the owner may be attached to the lease as an addendum, provided they do not violate any fair housing provisions and do not conflict with the HUD tenancy addendum.

Actions Before Lease Term

All of the following must always be completed before the beginning of the initial term of the lease for a unit: the unit has been inspected and meets all requirements of the federal Housing Quality Standards; the landlord and the tenant have executed the lease, the rent on the lease agreement is consistent with the rent approved by MSJHA, and includes the HUD-prescribed tenancy addendum; and MSJHA has approved leasing of the unit in accordance with program requirements.

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

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction. 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. MSJHA will only approve a separate agreement if the family has the option of not utilizing the service, appliance or other item.

Information To Owners [24 CFR 982.307(b), 982.54(d)(7)]

Upon written request from a prospective property owner, MSJHA will provide the following information about a program applicant and/or participant.

- Current address as reflected in the file;
- Names, ages and relationship of household members;
- Former address if reflected in the file;

MSJHA 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, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

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

Contract Execution Process [24 CFR 982.305(c)]

The Housing Assistance Payments Contract will be prepared by MSJHA upon approval of the RTA

and a passing inspection indicating that the unit is in compliance with all Federal Housing Quality Standards. Owners will be required to come to the MSJHA Section 8 office for contract signing for all new units placed under contract for the first time. Owners will be notified of the contract signing date and MSJHA will make every effort to coordinate contract-signing appointments at the same time for multiple units.

Owners will be required to provide proof of ownership for the assisted unit in a form acceptable to MSJHA. The HAP contract will be executed in the manner indicated on the proof of ownership. If the owner has assigned an agent to represent the owner, then appropriate documentation must be provided prior to execution of the HAP contract.

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. MSJHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability upon receiving acceptable documentation of the following: verification of the disability, if not already on file, and a statement explaining how renting from the relative is necessary to assist the disabled family member.

SECTION 10
HOUSING QUALITY STANDARDS AND INSPECTIONS

General [24 CFR 982.401]

The Housing Quality Standards (HQS) are federal standards established by HUD that serve to measure the minimum quality of housing acceptable in the Section 8 Housing Programs. HQS standards are utilized to inspect housing units at initial occupancy and during the term of the Housing Assistance Payments contract. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the HAP contract. MSJHA will inspect each unit under contract at least annually. MSJHA will also maintain a quality control inspection program, which will re-inspect a sample of all inspections in accordance with SEMAP regulation to assure consistency of enforcement of HQS.

This Chapter describes MSJHA's procedures for performing HQS and other types of inspections, and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners.

Guidelines/Types Of Inspections [24 CFR 982.401(a), 982.405]

Effort will be made at all times to encourage owners to provide housing above HQS minimum standards. However, MSJHA will not promote any additional acceptability criteria, which is likely to adversely restrict housing choice.

If the tenant is responsible for supplying the stove and/or the refrigerator, MSJHA will complete the initial inspection without the stove and refrigerator in the unit, provided that the family certifies that the appliances will be placed in the unit and will be in proper working order.

The following types of inspections will be conducted as required:

- **Annual** - an inspection conducted on a property prior to its re-certification date;
- **Re-inspection** - an inspection of a property which failed its annual inspection;
- **24-Hour Re-inspection** – an inspection on a property which had a failing item considered a 24-hour emergency situation;
- **RTA/Initial** - inspection on a property which the tenant has selected and is requesting approval of a new unit;
- **Complaint** - inspection on a property which has been requested by the resident or other involved party due to perceived problems with the property;
- **Courtesy** - inspection requested on a property which is not yet a part of the HAP program but is being considered, by the landlord, for participation in the program;
- **Abatement Cure** - inspection on property where abatement has commenced but is still within the thirty-day window prior to termination;
- **Re-instatement inspection** - inspection in which the contract was terminated but a determination has been made to re-instate the contract;
- **QA (Quality Assurance)** – sample re-inspection by a supervisor or other authorized person

of units previously inspected;

- **QA Re-inspection** - re-inspection on a failed QA;
- **Vacate Inspection** - a move out inspection conducted because the owner is entitled to a special claim.

Timing of HQS Inspection

The family must allow the HA to inspect the unit at reasonable times with reasonable notice. Reasonable hours to conduct an inspection are between 8:00 a.m. and 5:00 p.m. Notice will be provided to the family and the owner via first class mail a minimum of five (5) days prior to the first attempt for an inspection. The family and/or the owner can be notified by telephone or by a posted notice on the main entrance of the unit of a scheduled re-inspection.

Two attempts will be made for all inspection types. If access to the unit cannot be obtained after the second attempt, the unit will be considered in non-compliance with the HQS standards and appropriate action will be taken based on the inspection type. Responsibility for access for annual inspections and any related required re-inspections is the responsibility of the assisted household and failure to provide access is a violation of the family obligations under the voucher contract.

Access for all other inspection types is the responsibility of the owner. The landlord must correct all HQS deficiencies, which cause a unit to fail, unless it is a fail for which the tenant is responsible. Both the owner and the tenant must be present at the inspection.

Time Standards for Repairs

The owner must correct emergency items, which endanger the family's health or safety, within 24 hours from the initial inspection. Non-emergency repairs must be made within 30 days from the date of an initial inspection or re-inspection. If a unit fails to comply with HQS at an initial inspection or re-inspection, the applicant will be notified to continue their search for housing within the time frame remaining on the voucher. If a unit fails to comply with HQS at any other inspection, actions will be taken as described below.

Modifications

MSJHA will strictly use the federal Housing Quality Standards for acceptance of units under the Housing Choice Voucher Program. Any modifications or adaptations to a unit to permit a reasonable accommodation for a person with a disability must meet all applicable HQS requirements.

Emergency Repair Items [24 CFR 982.404(a)]

The following items shall be defined as emergency and must be corrected within 24 hours of the initial inspection:

- Lack of an operable smoke detector;
- Ceiling damage reflecting imminent danger of falling;
- Major plumbing leaks or flooding;

- Natural gas leaks or fumes;
- Electrical problems which could result in shock or fire;
- Utilities not in service
- Lack of operable toilet (if is the only available at the unit)

If the emergency repair item(s) are not corrected in the time period required and the owner is responsible for the repair, the housing assistance payment will be abated in accordance with the procedures outlined further in this plan.

If the emergency repair item(s) are not corrected in the time period required, and the assisted household caused the damage, a notice of pending termination will be issued to the to the family in accordance with the termination procedures outlined further in this plan.

Abatement and Contract Termination

Failure for a unit under contract to pass a re-inspection will result in abatement of the Housing Assistance Payment. Abatement means that a daily pro-ration of the Housing Assistance Payment will be deducted from any future payments for each day that the unit is not in compliance with the HQS standards. If the owner repairs the deficiencies in the unit before the reinspection (24 hours or 30 days depending on the deficiency) a grace period will be awarded and no payment will be abated.

If the deficiencies are not corrected in the mandatory time period and the unit fails the reinspection payment to the owner will be abated for each day that the unit was not in compliance with the HQS standards.

A notice of abatement will be sent to the owner informing them that abatement will commence effective the first of the month following the date of notification of abatement. The abatement period will not extend beyond 30 days.

If the owner has not made the required repairs during the abatement period, the Housing Assistance Payments contract will be terminated in accordance with the provisions in the contract. The assisted family will be notified of the termination and will be advised to secure program move documents to commence search for a new housing unit. Once a termination notice has been issued, the HAP contract will not be re-instated even if the landlord proceeds to make repairs.

Determination Of Responsibility for Repairs [24 CFR 982.404, 982.54(d)(14)]

The following HQS deficiencies are the responsibility of the family:

- Tenant-paid utilities not in service;
- Failure to provide or maintain family-supplied appliances;
- Documented damage to the unit or premises caused by a household member or guest beyond which is obvious as beyond normal wear and tear;
- Placement of large items of trash or inoperable vehicles anywhere on the assisted unit premises;
- Failure to maintain lawn and surrounding areas if a single-family structure.

- Vermin Infestation caused by the tenant.

“Normal wear and tear” is defined as items which can be charged against the tenant security deposit under state law or court practice.

All other HQS violations shall be the responsibility of the owner. If the family is responsible for deficiencies but 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.

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 HA will require the family to make any repair(s) or corrections within 24 hours for emergency items and 30 days for non-emergency items. If the repair(s) or correction(s) are not made in this time period, the HA will terminate assistance to the family, after providing an opportunity for an informal hearing. 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.

SECTION 11
RENT AND PAYMENT STANDARDS

General [24 CFR 982.502, 982.503, 982.504, 982.505, 982.505]]

It is MSJHA's responsibility to ensure that Payment Standards are sufficient to assure maximum program utilization, to provide program applicants and participants with adequate housing choice and to assure that the rents charged by owners at the time of initial lease up and at each annual re-certification are reasonable based upon unassisted comparable units in the rental market. This Chapter explains MSJHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

Initial Rent To Owner

MSJHA will review the following items to determine if the rent requested by the owner meets the program requirements as follows:

- The requested rent plus the cost of tenant paid utilities (calculated on the most recent program utility allowance schedule) cannot exceed the applicable payment standard; or,
- Total tenant payment cannot exceed 40% of the assisted family's monthly-adjusted income.
- The rent to owner must be reasonable in comparison to rent for other comparable unassisted units.

Making Payments To Owners [24 CFR 982.451]

Once the HAP Contract is executed, MSJHA will commence processing payments to the landlord. A contract action form will be completed by each caseworker for all contract actions processed throughout the month. A HAP register and detailed reconciliation process will be used each month as a basis for monitoring the accuracy and timeliness of payments.

Rent Reasonableness Determinations [24 CFR 982.507]

A annual rent reasonableness test will be conducted to determine if the requested rent is reasonable in comparison to rent for other comparable unassisted units in the market. Rent reasonable tests will be conducted for the following:

- An initial rent requested on the RTA form;
- Prior to any increase in the rent to owner;
- If there is a five percent decrease in the published FMR 60 days before the contract anniversary;
- If directed by HUD; and,

- Based on a need identified by MSJHA.

At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by MSJHA. The owner will be advised that by accepting each monthly housing assistance payment s/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 provide MSJHA with information on rents charged by the owner for other units in the premises or elsewhere.

Rent reasonable data will be gathered from various sources which maintain a master database for all rental properties in the Municipality of San Juan. Supplemental data may be gathered from newspapers, realtors, professional associations and other reliable sources. The market areas for rent reasonableness are zip codes and census tracts within San Juan.

The following items will be used for rent reasonableness documentation:

- Location;
- Number of Bedrooms and bathrooms;
- Other identifiable amenities;
- Type and age of structure; and
- Tenant paid utilities.

A search will be conducted in the MSJHA rent reasonable database to identify comparable units by the factors identified above. A minimum of two similar units will be identified and the corresponding data will be recorded on the rent reasonableness form.

This data will be compared with the requested rent for the assisted unit. If the requested rent is greater than the comparable units selected, MSJHA will negotiate with the owner to reach an agreed upon rent amount that meets the rent reasonable test. If the rent is less than the comparables, MSJHA will approve the rent increase.

Payment Standards For The Voucher Program [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family and is based on Fair Market Rents (FMR) published by HUD on an annual basis for the Municipality of San Juan. MSJHA will establish the payment standards between 90 and 110% of the published fair market rents. The section 8 manager will prepared a memo to document the adoption of the new payment standards.

MSJHA will review the appropriateness of the Payment Standard annually when the new FMR is published. In determining whether a change is needed, MSJHA will consider all available resources including special requests to HUD to increase the published FMR from the 40th percentile of the area median to the 50th percentile or other methods, if warranted, to assure maximum housing choice for program applicants and participants and to encourage continued movement to areas of low poverty.

When reviewing the payment standard on an annual basis, MSJHA will also consider the available budget authority and determine if a reduction in payment standards is needed including an amount below 90% of the published FMR, to assist a maximum number of households up to MSJHA's baseline allocation. If it is determined that payment standards below 90% of FMR is needed, a waiver will be secured from HUD with corresponding justification.

Case by case reviews of a higher payment standard will be considered as a reasonable accommodation for a family that includes a person with disabilities. If appropriate, MSJHA will make a request to HUD to use a higher payment standard of the FMR.

SECTION 12
RE-CERTIFICATIONS

General - [24 CFR 982.516]

MSJHA will reexamine the income and household composition of all assisted families at least annually. Families will be provided accurate annual and interim rent adjustments. Re-certifications and interim examinations of income will be processed in a manner that ensures families are given reasonable notice of rent increases. This Chapter defines MSJHA's policy for conducting annual re-certifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

Annual Activities [24 CFR 982.516, 982.405]

There are three activities that must be completed on an annual basis as follows:

- Re-certification of Income and Family Composition
- HQS Inspection
- Determination of rent reasonableness for any requested rent increase.

Annual Re-certification [24 CFR 982.516]

MSJHA will maintain an automated re-certification tracking system and households will be notified by mail of the date and time for scheduled appointments a minimum of 90 days in advance of the anniversary date of their lease and Housing Assistance Payments contract. A listing of all required documentation necessary for the annual re-certification will be provided to the family with the notification of scheduled appointment. This information includes all documentation necessary to verify income, assets, allowances and deductions along with any additions or deletions of household members.

The head of household and spouse or co-head are required to be present at the re-certification interview. If the head of household is unable to attend the interview the appointment will be rescheduled. The written notification must state which family members are required to attend the interview. The family may call to request another appointment date.

If the family does not appear for the recertification interview, MSJHA will reschedule a second appointment. If the family fails to appear for the second appointment, MSJHA will:

- Send family notice of termination and offer them an informal hearing

Exceptions to these policies may be made if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable

accommodation for a family with a disability.

Priority for appointment dates and times will be given to assisted household's whose head or co-head is employed full time during normal working hours.

If the family does not appear for the re-certification interview, and has not rescheduled or made prior arrangements, the caseworker will issue a notice of termination of assistance, notifying the family of their right to an informal hearing. However, if the family schedules and maintains an appointment prior to the expiration date of the time limit to request a hearing, the termination action will be suspended.

If the outcome of the annual re-certification results in an increase in the tenant rent, a thirty-day notice will be mailed to the family prior to the scheduled effective date of the annual re-certification. If less than thirty days are remaining before the scheduled effective date of the annual re-certification, the tenant rent increase will be effective on the first of the month following a thirty 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 a retroactive increase in rent to the scheduled effective date of the annual re-certification.

If tenant rent decreases, it will be effective on the anniversary date. If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, the rent decrease will be effective on the first day of the month following completion of the reexamination processing by MSJHA.

Interim Re-certifications [24 CFR 982.516]

Program participants are required to report all changes in household composition between annual re-certifications. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HA approval prior for all additions to the household prior to adding that person to the lease agreement.

If any new family member is added, an interim re-certification will be conducted to include any income of the new family member.

If a family reports zero income at the time of the annual re-certification and later obtains an income, an interim re-certification will be conducted. However, if a family has a change in income between annual re-certification, it is not required to be reported and no interim re-certification will be conducted.

Participants may choose to report a decrease in income and other changes, which would reduce the amount of tenant rent, such as an increase in allowances or deductions. If these changes are reported and it will result in a change in tenant rent, an interim re-certification will be completed.

Changes in rent for interim re-certification will become effective the first of the month following the month in which the change was reported if it is a decrease and the first of the month after which the change occurred if it is an increase.

Income Changes Resulting From Welfare Program Requirements (24 CFR 5.615)

Decreases in income resulting from changes or discontinuance of welfare benefits will be processed as follows:

- Tenant rent will not be decreased if welfare assistance is reduced because of fraud, failure to participate in an economic self-sufficiency program, or noncompliance with a work activities requirement.

- Tenant rent will be decreased if welfare assistance is reduced because 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.

SECTION 13
PROGRAM MOVES AND PORTABILITY

General - [24 CFR 982.314, 982.353, 982.355(a)]

HUD regulations permit families to move with continued assistance to another unit within MSJHA's jurisdiction, or to a unit outside of MSJHA's jurisdiction under the program portability provisions. The regulations also allow discretion to develop policies, which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of MSJHA's jurisdiction, and the policies for restriction and limitations on moves.

Permissible Moves

Families will not be permitted to move during the initial year of occupancy. Assisted households will only be provided with program move documents for a voluntary move at the time of their scheduled annual re-certification process. Every effort will be made by MSJHA to coordinate program moves with all regularly scheduled annual activities.

Program move documents for mandatory moves may be issued at times other than annual re-certification for the following reasons:

- The Housing Assistance Contract is terminated by MSJHA for the owner's failure to comply with HQS or other terms of the contract;
- The owner has given the family a notice to vacate, or has commenced an action to evict the family through no fault of their own;
- A household member is newly diagnosed with a disability, which requires a reasonable accommodation.

Prior to issuance of program move documents; the family must present a notice of intent to move form signed by the owner and the family indicating that the family is current with all rent payments, has caused no damages beyond normal wear and tear, and is otherwise in compliance with all terms and conditions of the lease agreement. Upon receipt of this form, program move documents and a program move briefing will be provided to the family by their assigned caseworker. If the scheduled annual re-certification was completed more than 120 days prior to the program move, a complete re-certification will be conducted prior to issuance of the program move briefing packet. The annual re-certification date will be changed to coincide with the lease-up date for the new assisted unit.

The Family will be allowed only one move during each program year.

Portability [24 CFR 982.353]

Portability applies to families moving out of or into MSJHA's jurisdiction within the United States and its territories from another geographic location.

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit anywhere in the United States where a Public Housing Authority operates a tenant-based assistance program.

However, an applicant must reside within the jurisdiction of the Municipality of San Juan Housing Agency for one year prior to exercising the portability option. The family must be income eligible under the income limits of the jurisdiction to which they intend to port during the initial 12-month period after admission to the program. Households with MSJHA vouchers will only be authorized to port to jurisdictions in which the payment standards are equal of less than the payment standards in effect at MSJHA at the time of the request to port. Families will not be permitted to move more than once in a 12-month period unless the family and owner have signed a mutual agreement releasing the family from the lease.

If a family requests portability, the location where they intend to port must be identified in the request. MSJHA will contact the "receiving" HA in that jurisdiction and advise them of the family's intent. A voucher and corresponding portability documents will be issued to the family.

MSJHA will absorb all incoming portable families provided there is funding available. A MSJHA voucher will be issued to the incoming family for the period of time remaining on the voucher issued by the initial HA. MSJHA will notify the initial HA of their action to absorb the voucher. All incoming voucher holders must attend a new admissions program briefing. If funding is not available, MSJHA will administer the voucher on behalf of the initial HA.

MSJHA will not permit families to exercise portability if the family is in violation of any family obligations under their Housing Choice Voucher; if the family owes any money to MSJHA; or, if the family has vacated the assisted unit in violation of the lease agreement.

Billing Procedures

The receiving HA is responsible for billing MSJHA for 100% of the Housing Assistance Payment and 80% of the Administrative Fee (at MSJHA's rate) for each "Portability" Voucher leased as of the first day of the month. MSJHA will not issue payment until an invoice is received by the receiving HA within the time limits established by HUD. Late billings will not be processed for payment and the Receiving HA will be so notified. Payment beyond year one will only continue if MSJHA receives the HUD 50058 form indicating that an annual re-certification has been completed in accordance with program requirements.

SECTION 14
CONTRACT TERMINATIONS

General [24 CFR 982.311, 982.314]

The Housing Assistance Payments (HAP) Contract is the contract between the owner and MSJHA, which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by MSJHA and by the owner, and the policies and procedures for such terminations.

Contract Termination [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The HAP Contract may be terminated by the HA, or by the owner, or may terminate automatically if the tenant vacates the contract unit. No future subsidy payments on behalf of the family will be made to the owner after the month in which the contract is terminated. However, the owner may retain the housing assistance payment for the month in which the unit was vacated.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the family share of the rent due to the owner.

After a contract termination, if the family meets the criteria for a program move, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family vacated the previous unit and prorated housing assistance will be paid from the effective date of the new contract.

Termination Of Tenancy By The Owner: Evictions (24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required to provide proper notice as stated in the lease. During the term of the lease, the owner may not terminate the tenancy except for the following grounds.

- 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;
- Other good cause in accordance with 24 CFR 982.310

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, 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.

If the owner has begun eviction and the family continues to reside in the unit, MSJHA will 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 and the tenant has vacated the assisted unit. By receipt of the housing assistance payment, the owner certifies that the tenant is still in the unit, the rent is reasonable and she/he is in compliance with the contract. The landlord has 30 days from the due date of the contract to initiate the eviction process and must present evidence of such action. If the landlord does not present the eviction evidence the HA will not make further payment on behalf of the participant.

If an eviction is not due to a serious or repeated violation of the lease, and if the HA has no other grounds for termination of assistance, MSJHA will issue a program move packet so that the family can move with continued assistance.

Termination Of The Contract By MSJHA [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The HAP contract terminates automatically when the family vacates the unit regardless of cause. The HAP contract will also terminate if the assistance to the family is terminated; funding is no longer available under the ACC contract with HUD; or 180 days have passed since the last housing assistance payment to the owner.

Notification will be provided to the owner and the tenant in accordance with the requirements of the HAP contract when action is taken by MSJHA to terminate the contract. The effective termination date will be the end of the month following the month in which the notification was provided to the owner.

SECTION 15
DENIAL OR TERMINATION OF ASSISTANCE

General [24 CFR 5.902, 5.903, 5.905, 982.4, 982.54, 982. 552, 982.553]

MSJHA will deny or terminate assistance for a family because of the family's action or failure to act. Families are provided with a written description of the Family Obligations under the program, the grounds under which the HA can deny or terminate assistance, and procedures for informal hearings. This Chapter describes when MSJHA is required to deny or terminate assistance, and the policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

Denial/Termination [24 CFR 982.54, 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, MSJHA will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

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

- Denial for placement on the waiting list;
- Denying a voucher or withdrawing a voucher;
- Refusing to enter into a HAP contract or approve a tenancy;
- Refusing to process or provide assistance under portability procedures;

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a tenancy;
- Terminating housing assistance payments under an outstanding HAP contract;
- Refusing to process or provide assistance under portability procedures.

Mandatory Denial and Termination [24 CFR 982.552(b) (10)(d)]

In accordance with federal regulations, MSJHA must deny assistance to applicants, and terminate assistance for participants for the following reasons:

- If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information;

- If no member of the family is a U.S. citizen or eligible immigrant;

- If the family is under contract and 180 days have elapsed since the last housing assistance payment was made;

- Persons convicted of manufacturing or producing metamphetamine in violation of any Federal or State law;

- A participant family is evicted from housing assisted under the program for serious violation of the lease;

- Any household member is currently engaging in illegal use of a drug;

- 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.

- A member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

<u>Grounds for Denial or Termination of Assistance</u> [24 CFR 982.552(c)]

In addition to the above mandatory reasons for denial and/or termination of assistance, MSJHA will deny program assistance to an applicant or terminate assistance to a participant for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551;
- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The family currently owes rent or other amounts to MSJHA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act;
- The family has not reimbursed any HA 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 participating in an FSS program fails to comply, without good cause, with the family's FSS contract of participation;
- The family has engaged in or threatened abusive or violent behavior toward MSJHA personnel;
    - "Abusive or violent behavior towards HA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.
    - "Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.
    - Actual physical abuse or violence will always be cause for termination.
- A member of the family's drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other project residents;
- If any member of the family commits drug-related criminal activity, or violent criminal activity;
- If a family provide false or omit income information during the initial determination of eligibility (independently of when the PHA become aware of the situation).

Drug - means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity - is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Violent criminal activity - includes 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.

Covered person - means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Guest- 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 so consent on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

Other person under the tenant's control - 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.*

Standard for Violation - MSJHA will deny participation in the program to applicants and terminate assistance to participants in cases where 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 HA determines that there is a pattern of illegal use of a drug or a pattern of alcohol abuse. MSJHA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 12 months.

"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 reasonably likely to cause, serious bodily injury or property damage, which resulted in the arrest and/or conviction of the applicant, participant, or household member.

The existence of the above-referenced behavior by any household member, regardless of the applicant or participant's knowledge of the behavior, shall be grounds for denial or termination of assistance.

<u>Denial of Assistance for Sex Offenders</u>

OHFA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

Sex offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as a sex offender.

Family Obligations [24 CFR982.551]

All obligations of the family are explicitly stated on the Housing Choice Voucher form which serves as the contractual document between MSJHA and program participants.

These obligations are discussed in detail with program participants at the mandatory briefing sessions prior to admission to the program. Violation of any of these family obligations will be grounds for termination of assistance.

Notice of Termination of Assistance

MSJHA will provide a written notice of intent to terminate housing assistance, which will include the following information:

- The family obligation that has been violated;
- The specific action(s) which occurred in violation of the family obligation;
- The effective date of the proposed termination,
- The family's right, if they disagree, to request an Informal Hearing to be held prior to termination of assistance; and,
- The date by which a request for an informal hearing must be received by the HA.

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

Required Evidence

MSJHA will pursue fact-finding efforts as needed to obtain evidence for termination of assistance. Pending termination actions will be based on the following rules of evidence:

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

may not be determined by the number of witnesses, but by the greater weight of all evidence.

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

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Confidentiality of Criminal Records

MSJHA will make every reasonable effort to 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.

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 MSJHA will consider all of the circumstances in each case, including the seriousness of the case. MSJHA 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.
MSJHA will also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

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

- If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and there are police reports, neighborhood complaints or other third party information, that has been verified by the HA.

- Nonpayment of rent will always be considered a serious violation of the lease.

Notification of Eviction

If the family requests program move documents and an eviction is pending, MSJHA will not issue program move papers. However, if the program move papers are issued because MSJHA was not informed of the pending eviction, a new tenancy will not be approved. The voucher will be withdrawn until such time that a determination is made as to the household's violation of family

obligations.

Proposed Additions to the Family

MSJHA will deny a family's request to add additional family members who are:

- Persons who have been evicted from public housing;
- Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations;
- Persons who have been part of a family whose assistance has been terminated under the Section 8 program;
- Persons who commit drug-related criminal activity or violent criminal activity;
- 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 MSJHA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act; or
- Persons who have engaged in or threatened abusive or violent behavior toward HA personnel.

Limitation on Profit-making Activity in Unit

Families are encouraged to use the assisted unit for legal profit making ventures provided that the owner and MSJHA have approved such use at the time of initial lease up and such use is in compliance with all State and local laws and ordinances. However, if the business activity 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 of the family obligations and appropriate action will be taken. If the Municipality determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation. In addition if the MSJHA determines that the business is not legal (all State and Municipal permits are required), it will be considered a program violation.

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 HA to fulfill its responsibilities. The HA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the HA to inspect the unit, and appointments are made for this purpose. Two attempts will be made for all reexamination actions. If the family fails to appear to the second appointment, or to supply information required by a deadline without notifying the HA, a Notice of Termination of Assistance will be sent.

Two attempts will be made for all inspection types. If access to the unit cannot be obtained after the second attempt, the unit will be considered in non-compliance with the HQS standards and

appropriate action will be taken based on the inspection type. Responsibility for access for annual inspections and any related required re-inspections is the responsibility of the assisted household and failure to provide access is a violation of the family obligations under the voucher contract.

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; Certificate/Voucher Issuance and Briefings; Housing Quality Standards and Inspections; Re-certifications; and Appeals.

The only acceptable reasons for missing appointments or failing to provide information by deadlines are the following

- Medical emergency - physician's statement required
- Family emergency - must be medical (physician's statement required) or death related (obituary required)
- Employment obligations (excuse for missed appointments only) – must provide letter from employer

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given two opportunities before being issued a Notice of Termination or Denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed requesting a hearing, the notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance.

If a tenant request to move to another unit and fail to attend to two appointments the request will be denied and the tenant will be obligated to stay at the same unit.

If a landlord fails to attend to two appointments its payment will be abated and the participant will be ordered to move to another unit. The landlord will have an opportunity to an informal hearing.

PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [Pub.L. 109-162]

The Violence against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Specifically, Section 606(1) of VAWA adds the following provision to Section 8 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the housing choice voucher program:

- That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate reason for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Definitions

As used in VAWA:

- The term 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 shares a child in common, by a person who is cohabitating with or has cohabitated 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.

- The term dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

    - The length of the relationship

    - The type of relationship

    - The frequency of interaction between the persons involved in the relationship

- The term stalking means:

    - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

    - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

- In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

- The term immediate family member means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
  - Any other person living in the household of that person and related to that person by blood and marriage.

Notification and Victim Documentation

MSJHA VAWA Policy

The MSJHA acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history that would warrant denial under the PHA's policies. Therefore, if the MSJHA makes a determination to deny admission to an applicant family, the PHA will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking. The documentation must include two elements:

- A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking, and

- One of the following:
  - A police or court record documenting the actual or threatened abuse, or
  - A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal review or must request an extension in writing at that time. If the applicant so requests, the MSJHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the PHA determines the family is eligible for assistance, no informal review will be scheduled and the PHA will proceed with admission of the applicant family.

Perpetrator Removal or Documentation of Rehabilitation

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the PHA will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the assisted housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.

If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation. This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

PHA Confidentiality Requirements

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

Relationship with the Office of Integral Development of Women

The following activities, services, or programs are provided by the PHA in partnership with the Office Integral Development of Women (ODIM) to help child and adult victims of domestic violence, dating violence, sexual assault, or stalking maintain housing.

The Office for the Integral Development of Women (ODIM) was created by virtue of Ordinance 49, Series 1984-1985, with the name of the Office for Women's Affair. On December 21, 2001, Ordinance 51, of Series 2001-2002, was approved. This Ordinance established the Regulations of ODIM. The new Regulations created a new organizational structure that facilitates the offering of more effective services.

The mission of the Office for the Integral Development of Women is to procure the development of women that reside in the municipality of San Juan, promote awareness of their rights, and the development and implantation of a public policy that supports equal opportunities and end discrimination against women.

The office provides transitory housing for women head of households who are victims/survivors of domestic violence, our targeted population, and integral services to prepare participants for the achievement of personal and socioeconomic independence. These services will assist the social, psychological, legal, educational, and protection needs of the residents and their children. The program also provide day care services for children (the municipality's Head Start Program is committed to provide three teachers for the program's day care centers), support for attendance to

Head Start Program, health and transportation services. Applicants will be able to participate in the transitory housing program and supportive services during a period of two to three years. During that time women will receive support to overcome their socioeconomic disadvantages so that they can recover their self-esteem and become empowered to take charge of their lives. At the end of this period, applicants should have completed their studies or acquired skills to be permanently employed and will be enabled to acquire permanent housing; they will also have developed their strengths to manage personal life situations and the upbringing of their children. Special attention will be given to women that after a crisis situation and after having received emergency shelter services have become head of their households and are in need of transitory housing and support services.

The services provided are managed by a group of interdisciplinary individuals, composed of social workers, psychologists, assistant teachers and a registered nurse. This team offer individual guidance and advice aiming to promote solutions to problems and situations caused by domestic violence. Also, there is a group of attorneys that will offer legal advice and representation to each applicant that needs it and meets the eligibility requirements.

ODIM also count with the assistance of a helpline, Helpline for guidance and counseling of victims of domestic violence (787-724-1596). The helpline offer the following services, crisis intervention services; guidance and coordination services, 24 hours a day, 7 days a week, considering the outmost confidentiality.

A support group is available weekly. This group meet with surviving victims of domestic violence to help them develop social skills that will facilitate them in breaking the cycle of violence and to become empowered.

ODIM promote the development of activities that educate, inform and guides women of the municipality of San Juan. The International Day of the Working Woman, Women and Finances Day, Breastfeeding Week, Breast Cancer Awareness Month, No more Violence against Women Day and Take our Daughters to Work Day, are some of the above mentioned activities.

PROCEDURE FOR TERMINATION OF ASSISTANCE DUE TO INSUFFICIENT FUNDING (24 CFR 982.454)

The MSJHA will terminate HAP contracts, in accordance with HUD requirements, if the MSJHA determines that "funding under the consolidated ACC is insufficient to support continued assistance for families in the program". This action will be made in accordance with the requirements of 24 CFR 982.454 and in coordination with HUD.

1. Initial Actions to be taken

Before implementing any termination of assistance the Manager of the MSJHA must evaluate all available cost reduction actions. The following are some of the areas under the control of the manager that if changed will result in cost reduction:

- Adjust or reduce Payment Standards (24 CFR 982.503)
- Adjust Utility Allowances (24 CFR 982.517) or request a waiver for the implementation of higher utilities
- Restrict Portability and Moves within the MSJHA Jurisdiction (24 CFR 982.314)
- Ensure Reasonable Rents (24 CFR 982.507)
- Adjust Subsidy Standards (24 CFR 982.505)
- Adjust Minimum Rent
- Implement Income Matching/Verification and other Anti-Fraud Efforts
- Adjust Interim Reexamination Policies and Procedures
- Restrict the Issuance of Vouchers
- Cancel Vouchers in Search Status
- Place Leasing Moratorium into Effect
- Strengthen Enforcement of Participant Obligations (24 CFR 982.551-553)

After the above measures has been evaluated and taken the manager must consider the termination of assistance Due to Insufficient Funding. This action requires detailed analysis and the approval of the Director of the Housing Department.

2. Declaration of Insufficient Funding

Prior to the termination of existing HAP contracts for reason of insufficient funding, a formal **"Declaration of Insufficient Funding"** is required. This declaration shall be made in writing and signed by the Director of the Accounting Office of the Housing Department, The Section 8 Housing Manager, the Director of the

Housing Department. The declaration must be presented to the director of the City Finance Department. A Declaration of Insufficient Funding will be made only if the following conditions are present, documented, and confirmed:

- The MSJHA has taken all reasonable and prudent steps to reduce HAP costs, per PIH Notice 2009-44, and identified above; and
- The Director of the Accounting Department of the Housing Department has conducted a thorough analysis of remaining HAP contract authority and after factoring in the projected impact of the reasonable HAP cost containment and control steps, determines that such funding is or will be "Over-Utilized", and there will be insufficient funds to support the current or projected number of assisted families for any part of the remainder of the calendar year; and
- The MSJHA has, in good faith, investigated possible alternative sources of funds, including but not limited to Project Reserves, Administrative Fee Reserves, and Non-Federal resources, available to support the current or projected level of HAP assistance through the remainder of the calendar year and has determined that such available alternative funding is insufficient; and
- The MSJHA has contacted HUD to evaluate alternatives to the funding shortfall and HUD has determined in writing that no funding is available;
- The action is approved by the Mayor of San Juan.

The formal "Declaration of Insufficient Funding" shall identify the magnitude of the funding shortfall, past, current and planned steps taken to mitigate the shortfall, and an assessment of the fiscal impact of continuing HAP assistance at the current or projected rate.

3. Request and authorization to terminate HAP contracts due to insufficient funding.

Authority to approve the termination of HAP contracts due to insufficient funding is vested in the Mayor of San Juan. Approval to terminate HAP contracts shall be granted only through formal authorization from the mayor after it has duly considered a formal **"Request to Terminate HAP Contracts Due to Insufficient Funding".**

The Request to Terminate HAP Contracts Due to Insufficient Funding must be in writing and detail:

- The approximate number and dollar value of HAP contracts to be terminated;
- The timetable for contract terminations; and
- The Administrative Plan reference that details the procedure to be used to terminate the contracts; and

The Request to Terminate HAP Contracts Due to Insufficient Funding must be signed by the Director of the Accounting Office of the Housing Department, The Section 8 Housing Manager, the Director of the

Housing Department, and shall be accompanied by the fully executed Declaration of Insufficient Funding of the Finance Director of the City.

4. Selecting Contracts to be Terminated

The MSJHA shall terminate contracts under this provision to achieve a leasing/utilization rate that is consistent with the financial resources available to its Section 8 HCV program. To this end, staff shall:

- Prepare an estimate of the number and value of contracts to be terminated;
- Prepare a HAP Contract Termination List. This list shall identify each contract (by participant, owner, address, and effective date of the first HAP contract provided by the MSJHA on behalf of the participant) to be terminated in accordance with the established order of priority.

Order of Priority for Contract Termination

The priority of contract termination shall be based on the date of initial MSJHA assistance. Contracts shall be terminated in the reverse order of initial contract effective date of a non-elderly and non-disabled family continuously assisted by the MSJHA. *In other words, contracts on behalf of the most recently continuously MSJHA-assisted non-elderly and non-disabled families shall* be terminated *first*. Contracts that are eligible for termination include:

- Standard MSJHA HAP Contracts. Initial assistance is determined by the date of the first HAP contract that began the most recent period of continuous assistance by the MSJHA. This includes:
    - Outgoing portable vouchers. Initial assistance is determined by the date of the first HAP contract that began the most recent period of continuous assistance for which the MSJHA has responsibility for payment. This includes any contract executed by the receiving PHA.
    - Incoming Portable Voucher HAP Contracts for which the payments by the Initial PHAs have not been received in the last three consecutive months and for which the Initial PHA has been given appropriate notification and opportunity to cure the delinquency. Initial assistance is determined by the date of the first HAP contract that began the most recent period of continuously MSJHA-administered assistance.
    - Incoming Portable Voucher HAP Contracts for which the initial PHA refuses to honor billings. The MSJHA may be forced to absorb such contracts from time to time as a result of

the initial agency's refusal to honor billing. The MSJHA will absorb such contracts as funding permits; however, in the event of funding shortfalls, these contracts will be terminated.

Lottery Selection

In the event the above selection criteria fails to yield a sufficient number of contract terminations necessary to meet funding levels, additional contracts will be selected through a lottery conducted by the Legal Division of the Housing Department. A number will be assigned to all remaining existing contracts, with the exception of elderly and disabled families. These numbers will be selected at random until a sufficient number of contracts have been identified to achieve the required cost reductions.

5. Notification of Owner and Participant

The MSJHA must notify all affected parties in writing in accordance with the following policy:

Owner Notification - The MSJHA shall provide the Owner with a minimum of 30 days written **"Notice of HAP Contract Termination for Reason of Insufficient Funding".** The Notice of HAP Contract Termination shall be signed by the Housing Manager and sent via certified mail to the Owner, with a copy sent by first class mail to the Participant.

This written "Notice of HAP Contract Termination for Reason of Insufficient Funding" shall describe the:

- Reason for the contract termination
- Regulatory and Administrative Plan reference authorizing the termination
- Effective date of the contract termination
- Rights and responsibilities of the Owner
- MSJHA contact person

Participant Notification — The MSJHA shall provide the Participant with a minimum of 30 days written **"Notice of Termination of Assistance for Reason of Insufficient Funding".** This notice of termination of assistance shall be signed by the Housing Manager and sent via certified mail to the Participant, with a copy sent by first class mail to the Owner.

The written "Notice of Termination of Assistance for Reason of Insufficient Funding" shall describe the:

- Reason for the contract termination
- Regulatory and Administrative Plan reference authorizing the termination
- Effective date of the contract termination
- Rights and responsibilities of the Participant
- Special assistance available from the MSJHA

- MSJHA contact person
- Rights related to resumption of assistance

Initial PHA Notification (Incoming Portable Vouchers) — In the event that a HAP Contract slated for termination is on behalf of an incoming portable family, the MSJHA shall notify the initial PHA of its intent to terminate the HAP Contract for reason of insufficient funding. Only contracts with payment delinquencies of more than 3 months will be considered for termination. The initiating PHA is to be sent, via first class mail, a copy of the Notice of Termination of Assistance for Reason of Insufficient Funding and a copy of the Notice of HAP Contract Termination for Reason of Insufficient Funding at the time these notices are sent to the Owner and Participant.

Receiving PHA Notification (Outgoing Portable Vouchers) — In the event that the assistance on behalf of an outgoing portable family is slated for termination, the MSJHA shall notify the receiving PHA of its intent to terminate assistance for reason of insufficient funding. The receiving PHA has the option of absorbing the family or terminating the HAP Contract. The receiving PHA shall be notified at least 60 days in advance of the effective date of termination of assistance. The receiving PHA is responsible for all notifications to the Owner and Participant.

Records — The MSJHA shall maintain a list of participants whose assistance was terminated due to insufficient funding. These persons shall be informed of theft responsibility to update contact information (address, phone) in the event the MSJHA needs to contact them in the event there is a resumption of assistance. The list of affected participants shall be updated with the changed contact information, as necessary. The affected participant shall remain on the list for a period of three years or until they receive a voucher, whichever comes first.

6. RESUMPTION OF ASSISTANCE

Families whose assistance was terminated for reason of insufficient funding may, within three years of the termination, be offered the opportunity to receive a voucher and once again benefit from HAP. In the event of that additional HAP contracts can be supported (i.e., as a result of an infusion of funds to support additional contracts, generation of excess savings from cost-cutting measures, higher than expected program terminations, etc.), the MSJHA will issue vouchers to eligible families impacted by the funding shortfall.

Such families will be offered the opportunity to receive vouchers in the reverse order of their termination under this section (i.e., those terminated last will be the first to receive offers of vouchers). Families whose assistance was terminated under this part shall have priority over any family on the Section 8 Waiting List for the issuance of standard Housing Choice Vouchers.

At the time it is determined that assistance may be resumed, the MSJHA must provide written

notice to an appropriate number of impacted families informing them of their opportunity to qualify for a voucher. This notice shall inform family of the:

- Process by which they will be assessed for eligibility for a voucher;
- Date, time, and location to which the family's affirmative response to the notice must be delivered; and
- The eligibility criteria for receipt of a voucher

All factors of eligibility will be determined in accordance with the applicable chapters of the Administrative Plan prior to issuance of a voucher and resumption of assistance. Only families meeting the eligibility requirements will be issued a voucher. Families that successfully lease a unit in accordance with the terms of their vouchers will be considered new admissions.

SECTION 16
OWNER PROHIBITIONS AND RESTRICTIONS

General [24 CFR 982.54, 982.306, 982.453]

It is the policy of MSJHA to recruit owners to participate in the Voucher program. MSJHA will provide owners with prompt and professional service in order to attract an adequate supply of available housing for rent under the Section 8 program. Federal regulations define when MSJHA must prohibit an owner from participating in the program, and when MSJHA has the discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

Disapproval Of Owner [24 CFR 982.306, 982.54(d)(8)]

Owners participate in the Section 8 Program at will and do not have a right of participation. For purposes of this section, "owner" includes a principal, management agent or any other party acting on behalf of an owner.

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MSJHA will prohibit the participation of property owners for any of the following reasons:

- The owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24;
- An administrative or judicial action has been instituted against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending investigation and/or resolution;
- A court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements;
- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
- The owner has committed or has been accused of 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 HQS for units leased under the Section 8 programs or any other federal housing program;
- The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any

member of the household, a guest or another person under the control of any member of the household that:

- Threatens the right to peaceful enjoyment of the premises by other residents;
- Threatens the health or safety of other residents, or of owner employees or other persons engaged in management of the housing.;
- Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises;
- Is involved in drug-related criminal activity or violent criminal activity;

- The owner has not paid State or local real estate taxes, fines, other fees or assessments.

- 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.

- In cases where the owner and tenant bear the same last name, MSJHA may, at its discretion, require the family and/or owner to certify whether they are related to each other in any way.

Restriction of Immediate Family Members

MSJHA is prohibited from approving a Housing Assistance Contract with an owner that is the parent, child, grandparent, grandchild, sister or brother of any member of the household to be assisted. However, this provision may be waived as a reasonable accommodation for a family member who is a person with a disability, provided that the assisted household has made reasonable efforts to locate other suitable housing and has been unsuccessful.

In cases where the owner and tenant bear the same last name, MSJHA will require the family and owner to certify whether they are not related to each other in any way. Failure to disclose relationship will be considered fraud and grounds for termination of tenancy and prohibition of future program participation by the owner.

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, MSJHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. MSJHA may also terminate any additional Housing Assistance Contracts with the owner.

Before imposing any penalty against an owner the HA 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.

Proof of Ownership

Landlords will be required to provide proof of ownership prior to execution of a Housing Assistance Contract. Acceptable documentation may include a Real Estate Act of Sale; the property deed or title; or other acceptable legal documentation. Utility bills, insurance documents or other such documents will not be considered sufficient evidence of ownership.

Landlords will also be required to provide proof of payment of all business license fees and other debt owed to the Municipality of San Juan prior to execution of a HAP contract. Failure to provide proof of payment will result in cancellation of the proposed action. If the tenant have moved into the unit prior to MSJHA approval of the HAP contract, the tenant will be responsible for the full amount of the rent.

The Housing Assistance Payments Contract will be executed in the format as indicated on the proof of ownership. Ownership by more than one individual will require execution of all parties or appropriate legal documentation such as power of attorney, which designates a single individual to act on behalf of all owners.

Designation of a management agent or other payee will be approved with appropriate legal documentation signed and notarized by all owners of the property.

MSJHA will approve the assignment and transfer of a HAP contract to a new owner at the request of an owner of record. The change of ownership will be processed upon written request accompanied by appropriate documentation showing the transfer of title and recorded deed or a last will and testament identifying an executor, along with a death certificate for the owner of record. A change in ownership requires execution of a new lease addendum. The MSJHA may deny approval of assignment of the contract, for any of the reasons listed in Section A. of this chapter. The MSJHA will process a change of ownership only upon the written request of the new owner and only if accompanied by the following:

- A copy of a document showing the transfer of title; and/or
- A copy of the recorded deed; and;
- The Federal Identification Number or Social Security number of the new owner.

SECTION 17
OWNER OR FAMILY DEBTS

General (24 CFR 982.552)

This chapter describes the MSJHA's policies for the recovery of monies, which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the HA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the HA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner; the family or other interested parties.

When families or owners owe money to the HA, the HA will make every effort to collect it. The HA will use a variety of collection tools to recover debts including, but not limited to Requests for lump sum payments; Civil suits; Payment agreements; Abatements; Reductions in HAP to owner; Collection agencies; Credit bureaus; and, Income tax set-off programs.

Payment Agreement For Families [24 CFR 982.552 (c)(v-vii)]

A Payment Agreement as used in this Plan is a document entered into between the HA and a person who owes a debt to the HA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the HA upon default of the agreement.

The following terms will guide the execution of a repayment agreement with a program participant.

- The maximum amount for which the HA will enter into a payment agreement with a family is not to exceed the difference between tenant rent and 50% of monthly-adjusted income.

- The maximum length of time the HA will enter into a payment agreement with a family is for 36 months.

The following standards will apply to payment agreement with families:

- If the debt to the program is from $0 to $5,000 the program manager will authorize the execution of the payment agreement;

- If the debt to the program is from $5,001 to $19,999 the payment plan must authorized by the legal division and a formal agreement must be executed and legally registered. The legal division of the Housing Department will be responsible for all cases that comply with this parameter.

Payment Agreements - Late Payments

A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due.

If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's payment agreement is in arrears, and the family has not contacted or made arrangements with the HA, the HA will require the family to pay the balance in full or terminate the housing assistance

If the family requests a move to another unit and has a payment agreement in place and the payment agreement is not in arrears, the family will be required to pay the balance in full prior to the issuance of a voucher.

If the family requests a move to another unit and is in arrears on a payment agreement for the payment of an owner claim, the family will be required to pay the balance in full, or be terminated from the program.

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 payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the HA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

Program Fraud

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

If a family owes an amount, which equals or exceeds $5,000 as a result of program fraud, the case will be referred to the Inspector General, the Puerto Rico Police Department, or the Puerto Rico Department of Justice. Where appropriate, the HA will refer the case for criminal prosecution.

Owner Debts To The HA [24 CFR 982.453(b)]

If the HA determines that the owner has retained housing assistance payments the owner is not entitled to, the HA may reclaim the amounts from future housing assistance or claim payments owed the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the HA will require the owner to pay the amount in full within 30 days; pursue collections through the local court system; and restrict the owner from future participation.

Writing Off Debts

Debts owed to the Section 8 Program from program participants or owners will be reviewed each year jointly with the Section 8 staff and the Finance staff to determine if such debts are valid and collectible. Debts will be written off if:

- The debtor's whereabouts are unknown and the debt is more than 3 years old;
- A determination is made that the debtor is judgment proof;
- The debtor is deceased;
- The debtor is confined to an institution indefinitely or for more than 3 years; or,
- The amount is less than $300.00 and the debtor cannot be located.

Failure to comply with the terms of a payment agreement will result in the cancellation of assistance.

SECTION 18
COMPLAINTS AND APPEALS

General [24 CFR 982.401]

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

General Complaints

MSJHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. However, MSJHA does not require that complaints regarding HQS violations be put in writing. HQS complaints may be reported by telephone.

Complaints from families: If a family disagrees with an action or inaction of the HA or owner, the family must first contact their caseworker. If a complaint is not resolved, it will be referred to the Section 8 Manager.

Complaints from owners: If an owner disagrees with an action or inaction of the HA or a family, the owner must also contact the assigned supervisor. If the complaint is not resolved, it should also be referred to the Section 8 Manager.

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to their assigned supervisor.

Complaints from the general public: Complaints or referrals from persons in the community in regard to the HA, a family or an owner will be referred to an assigned supervisor.

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 citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the HA 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) 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 for criminal activity as shown by a criminal record, the HA will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision to deny was based.

The HA must provide applicants with the opportunity for an informal review of decisions denying the following actions:

- Listing on or removal from the waiting list;
- Issuance of a voucher;
- Participation in the program; and,
- Assistance under portability procedures.

Informal reviews are not required and will not be provided for established policies and procedures and HA determinations such as:

- Discretionary administrative determinations by the HA
- General policy issues or class grievances
- A determination of the family unit size under the HA subsidy standards
- Refusal to extend or suspend a voucher
- A HA determination not to grant approval of the tenancy
- Determination that unit is not in compliance with HQS
- Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an informal review must be received by the close of the business day, no later than 10 days from the date of the HA's notification of denial of assistance. The informal review will be scheduled within 15 days from the date the request is received.

The person who made or approved the decision under review, nor a subordinate of such person can conduct the informal review. All reviews will be conducted by a departmental supervisor other than the person who rendered the original decision.

In order to expedite the review and provide improved service to customers, MSJHA will encourage the review to be conducted by telephone if acceptable to the applicant. The applicant will be given the option of presenting oral or written objections to the decision. Both the HA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

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

Informal Hearing Procedures [24 CFR 982.555(a-f), 982.54(d)(13)]

Hearings are only available to program participants. Participants are households in which a HAP contract has been executed. Prior to execution of the HAP contract, all households are considered applicants and are only entitled to a review as described above.

Hearing procedures will be provided to families in the briefing packet at the time of issuance of the voucher.

MSJHA will provide participants with prompt notice of determinations, which will include:

- The proposed action or decision of the HA;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the HA's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.

When terminating assistance for criminal activity as shown by a criminal record, the HA will provide the subject of the record and the tenant/participant with a copy of the criminal record upon which the decision to terminate was based

MSJHA will provide participants with the opportunity for an informal hearing for decisions related to any of the following determinations. The opportunity for an informal hearing will be provided before termination of assistance.

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment;
- Determination to terminate assistance for any reason; and,
- Determinations to terminate a family’s FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

Informal hearings are not required for established policies and procedures and HA determinations such as:

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

- A HA determination not to approve an extension or suspension of a voucher term
- A HA determination not to approve a unit or lease
- A HA determination that an assisted unit is not in compliance with HQS (HA must provide hearing for family breach of HQS because that is a family obligation determination)
- A HA determination that the unit is not in accordance with HQS because of the family size
- A HA determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is MSJHA'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 HA will ensure that participants will receive all of the protections and rights afforded by the law and the regulations.

When the HA receives a request for an informal hearing, a hearing shall be scheduled within 30 to 60 days. The notification of hearing will contain:

- The date and time of the hearing;
- The location where the hearing will be held;
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense;
- The right to view any documents or evidence in the possession of the HA upon which the HA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing.
- The right to view any documents or evidence in the possession of the HA that will use at the hearing.

Requests for documents or evidence must be received by with party no later than 15 days before the scheduled hearing date.

Hearing Procedures

After a hearing date is confirmed, 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 in advance, the family must contact the HA within 24 hours, excluding weekends and holidays. The HA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the HA's determination;
- Examine the documents in the file which are the basis for the HA's action, and all documents submitted to the Hearing Officer;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue of the hearing;
- Request that HA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or designated representatives at their own expense.

In addition to other rights contained in this Chapter, the HA has a right to:

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

The informal hearing will be conducted at the Legal Division of the Municipality of San Juan Department of Housing.

The HA may appoint hearing officers who are managers from other departments in the government of the jurisdiction or are professional mediators or arbitrators, employed by the Bar Association or a mediation, dispute resolution, or arbitration service.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

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

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the HA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the HA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the hearing findings shall be provided in writing to the HA and the family within 10 days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed;
- The date the decision goes into effect.

The HA is not bound by hearing decisions:

- Which concern matters in which the HA is not required to provide an opportunity for a hearing
- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The HA shall send a letter to the participant if it determines the HA is not bound by the Hearing Officer's determination within 10 days. The letter shall include the HA's reasons for the decision.

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

Provisions For "Restrictions On Assistance To Non-Citizens" [24 CFR Part 5, Subpart E]

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

Assistance to a family may not be terminated or denied while the HA hearing is pending but assistance to an applicant may be delayed pending the HA 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 HA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the HA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the HA a copy of the appeal and proof of mailing or

the HA may proceed to deny or terminate. The time period to request an appeal may be extended by the HA for good cause.

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

After receipt of a request for an informal hearing, the hearing is conducted as described in 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 HA will:

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral
- Terminate the participant if the family does not qualify for deferral

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

All other complaints related to eligible citizen/immigrant status shall be handled as follows:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights 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.

Mitigating Circumstances For Individuals With Disabilities [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the HA 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. Such circumstances shall be considered when making the final determination of the review or hearing.

SECTION 19
SPECIAL HOUSING TYPES

General [24 CFR 982.601]

MSJHA will permit the use of all types of special housing arrangements in the Housing Choice Voucher Program. Special housing arrangements include such housing alternatives as shared housing, congregate housing, assisted living, cooperative housing and other housing choices that meet the needs of program participants. Families may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

MSJHA will not set aside any program funding from the Housing Choice Voucher Program for use in special housing types. However, MSJHA will administer any vouchers it may receive from HUD as the result of a national set aside for special program types.

Single Room Occupancy [24 CFR 982.602]

Single room occupancy (SRO) refers to a housing unit that generally lacks a kitchen and may have a shared bathroom. A single person may use a Housing Choice Voucher to reside in an SRO housing unit.

A separate lease and housing assistance payment contract will be executed for each assisted person residing in an SRO. The HA will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR 982.605.

Congregate Housing [24 CFR 982.606]

Congregate housing normally refers to a housing unit located in a home or building that shares a central kitchen facility. The facility may have shared bathrooms or may offer individual bathroom facilities for each living unit. A warm up kitchen with a small counter and microwave may also be included in the unit.

An elderly person or a person with disabilities may use their Housing voucher to reside in a congregate housing unit. The HA may also approve a family member or live-in aide to reside with the elderly person or person with disabilities. The HA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

A separate lease and HAP contract will be executed for each assisted family residing in a congregate housing unit. Unless there is a live-in aide, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the HA payment standard schedule. However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

The HA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

Group Homes [24 CFR 982.610, 982.612]

A group home is defined as a facility that is licensed, certified, or otherwise approved in writing by the State, or the State's licensing department for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities. It is more common to see group homes used for persons with disabilities than for elderly persons.

An elderly person or a person with disabilities may use their Housing Voucher to reside in a State-approved group home. If approved by the HA, a live-in aide may reside with a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. However, MSJHA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities. No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any HA-approved live-in Aide.

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home. The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the HA will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Unless there is a live-in aide, the family unit size will be determined as a zero bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on the HA payment standard schedule for the group home size (total number of bedrooms in the group home).

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size. The HA will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

Shared Housing [24 CFR 982.615]

Shared housing is a single housing unit occupied by more than one household. The unit normally consists of both common space for shared use by both households and separate private space (sleeping and bathing quarters) for each household. An assisted family may use their Housing Voucher to reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The HA may approve a live-in aide to reside with a family in order to care for a person with a disability. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit.

The owner of a shared housing unit may also reside in the unit. A resident owner may enter into a HAP contract with the HA. However, housing assistance may not be paid on behalf of an owner. The HA will not approve assistance for a person or family that is related by blood or marriage to a resident owner. There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the HA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the HA payment standard for the shared housing unit size.

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit. The HA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

Cooperative Housing [24 CFR 982.619]

A cooperative refers to a type of housing in which an individual has an ownership interest, normally shares or a percentage, in the overall property. Co’ops are always designated on the ownership documents as cooperative housing and the HA will confirm that a property is so designated prior to processing a voucher under this housing arrangement.

The HA will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families The HA will not approve assistance for a family in cooperative housing until the HA has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the

resident's share in a cooperative corporation).

For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperatives debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any tenant paid utility.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations on rent to owner. The payment standard is applied in accordance with standard procedures for applicability of payment standards described earlier in this plan. Utility allowances are also applied in accordance with standard procedures.

The HA will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in the "Housing Quality Standards and Inspections" chapter, and regulated by 24 CFR 982.401.

Manufactured Homes [24 CFR 982.620]

A manufactured home is a structure that is built on a permanent chassis, is designed for use as a principal residence but is movable, is not anchored to a foundation but does have tie downs. The HA will permit a family to lease a manufactured home and space with assistance under the program. The HA will also provide assistance for a family that owns the manufactured home and leases only the space.

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter 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 sliding or wind damage.
- A tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding must securely anchor a manufactured home.

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.

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the HA. The HA will not approve a lease for a manufactured home space until the HA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HA will re-determine that the rent is reasonable.

The HA 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 HA 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 HA, 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 unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the HA, the owner must provide the HA information on rents for other manufactured home space.

The FMR for a manufactured home space will be determined by HUD and published annually. The initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space. The FMR for rental of a manufactured home space is generally 40 percent of the published FMR for a two-bedroom unit.

During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser 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 (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the HA:

- Rent to owner for the manufactured home space;
- Owner maintenance and management charges for the space;
- The utility allowance for tenant paid utilities.

The HA will establish utility allowances for manufactured home space rental. For the first twelve 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.

SECTION 20
PROGRAM INTEGRITY

General [24 CFR 792.101 to 792.204, 982.54]

The US Department of Housing and Urban Development conservatively estimates that 200 million dollars 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 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

MSJHA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained. The HA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously. This chapter outlines MSJHA'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 the HA undertake an inquiry or an audit of a participating family arbitrarily. The HA's expectation is that participating families will comply with HUD requirements, provisions of the voucher, and other program rules. The HA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the HA 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 the HA' s attention, to investigate such claims.

The HA will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips. The HA 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 will be retained in the family's file.

Internal File Review. A follow-up will be made if HA staff discovers (as a function of a certification or recertification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the HA's knowledge of the family, or is discrepant with statements made by the family.

Verification of Documentation. A follow-up will be made if the HA 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).

Steps To Prevent Program Abuse And Fraud

The HA 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 Session. Mandatory orientation sessions will be conducted by the HA staff for all prospective program participants, either prior to or upon issuance of a voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.

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

The HA Staff 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 re-certifications, a sample of participant files will be reviewed by a supervisor. 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.
- All forms are correctly dated and signed.

Observation. The HA Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

Public Record Bulletins may be reviewed by Management and Staff.

State Wage Data Record Keepers(TASS and HUD EIV). If available inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits

Credit Bureau Inquiries. Credit Bureau inquiries are made (with proper authorization by the participant) to all program participants.

Handling Of Allegations Of Possible Abuse And Fraud

The HA 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 allegations 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. MSJHA will not follow up on allegations which are vague or otherwise non-specific. 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 MSJHA's Quality Control Section. 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 the HA and, if so, to determine whether or not the information reported has been previously disclosed by the family. It will then be determined if the HA 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 is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Director of Housing will initiate an investigation to determine if the allegation is true or false.

Overpayments To Owners

If a landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, MSJHA 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 the HA or the tenant, as applicable.

Investigation of Allegations Of Abuse And Fraud

If the HA determines that an allegation is referred to the MSJHA Investigation Section, 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, the HA 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 the HA's review.

- Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.

- Public Records. If relevant, the HA 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. The HA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate HA office. The HA 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 The HA

Documents and other evidence obtained by the HA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or 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 HA Staff 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, the HA 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, the HA 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 the HA, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

   (a) **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 the HA 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 the HA for failure to report changes in income or assets, the HA 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 the HA;
   - 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 HA's Notice. If the Participant fails to comply with the HA's notice, and a family obligation has been violated, the HA will initiate termination of assistance.

Participant Complies with HA's Notice. When a family complies with the HA'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 the HA, the HA 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 certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrong-doing.

The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

(a) An admission by the participant of the misrepresentation.

(b) That the act was done repeatedly.

(c) If a false name or Social Security Number was used.

(d) If there were admissions to others of the illegal action or omission.

(e) That the participant omitted material facts which were known to him/her (e.g., employment of self or other household member).

(f) That the participant falsified, forged or altered documents.

(g) That the participant uttered and certified to statements at an interim (re)determination which were later independently verified to be false.

4. Dispositions of Cases Involving Misrepresentations. In all cases of misrepresentations involving efforts to recover monies owed, the HA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

(a) Criminal Prosecution: If the HA has established criminal intent, and the case meets the criteria for prosecution, the HA will notify HUD's RIGI, and terminate rental assistance.

(b) Administrative Remedies: The HA will terminate assistance and execute an administrative repayment agreement in accordance with the HA's Repayment Policy**.**

5. The Case Conference for Serious Violations and Misrepresentations. When the HA has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative and the HA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the HA. The purpose of such conference is to review the information and evidence obtained by the HA 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 the HA. The family

will be given 10 days to furnish any mitigating evidence.

A secondary purpose of the Participant Conference is to assist the HA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the HA 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.

6. **Notification to Participant of Proposed Action.** The HA will notify the family of the proposed action no later than 15 days after the case conference by certified mail.

SECTION 21

SECTION 8 MANAGEMENT ASSESSMENT PROGRAM

General

The U. S. Department of Housing and Urban Development 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.

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.

Performance Indicator	Total Possible Points
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. PreContract HQS Inspections	5

12. Annual Inspections	10
13. Lease-Up	20
14. FSS Escrowing and % of Families with Escrow Accounts	5 5
15. Deconcentration Bonus	5
TOTAL POSSIBLE POINTS	**150**
High Performer: 90+% Standard Performer: 61-89% Troubled: <=60%	

Certification Period

MSJHA is required to submit a certification to HUD by August 29th of each year for the period from July 1st through June 30th (MSJHA's fiscal year).

The SEMAP Certification Process

The certification for each of the performance indicators is supported by documentation from the following sources:

- Family files and MIS (CCS) computer records
- Multi-Family Tenant Characteristic System (MTCS)
- Management files, marketing materials, studies, and surveys.

Family Files and CCS Computer Records

A random sample of family files and CCS Computer Records along with management files, marketing materials, studies and surveys were 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)

MTCS Data

The Multi-Tenant Characteristic System (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

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 the Housing Authority and must be submitted to HUD.

Verification Process

HUD will rate this indicator on the SEMAP certification. An agency can earn either all or none of the 15 points for this indicator. To earn all 15 points, the review must confirm that the agency has written admissions policies in it Administrative Plan and at least 98% of the families in the sample 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

The purpose of this indicator is to determine whether the housing agency 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 5 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 the HA's SEMAP certification. An agency can earn a maximum of 20 points for this indicator if the review confirms that:

- The HA 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% of the files sampled for initial lease-up, any rent increase to owner, and if there is a 5% 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**%** of the units sampled for the review. Zero points are earned if the rent reasonableness method is used and documented in less than 80% of the random sample files that are reviewed.

Indicator 3: Adjusted Income

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. An agency can earn a maximum of 20 points for this indicator if the review confirms that based on a random sample in at least 90% of the families:

The HA obtains 3rd 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 the HA documents in tenant files why

third party verification was not available;

The HA properly attributes and calculates allowances for any medical, child care, and/or disability assistance expenses; and

The HA 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% of the files sampled for the review. Zero points are earned if adjusted income determinations are correct and properly documented in less than 80% of the random sample files reviewed.

Indicator #4 – Utility Allowance Schedule

The objective of this indicator is to determine whether the HA 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. An agency can earn a maximum of 5 points for this indicator if the review confirms that the HA 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 HA supervisor or other qualified person re-inspects a sample of the units under contract during the last completed HA fiscal year. The quality control inspection process tests consistency in adherence to the Housing Quality Standards and also helps to determine if inspectors require additional training.

Verification Process

This indicator will be rated by HUD on the HA's SEMAP certification. An agency can earn a maximum of 5 points for this indicator, if the review confirms that:

- A sample of assisted units were quality control inspected based on the sample size required for the number of units under contract.
- The sample represents units recently inspected (HQS inspections perform during the 3 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 Housing Authority'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 Authority 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 the HA for family caused defects, and whether or not the Authority takes prompt and vigorous action to enforce the family obligations.

Verification Process

This indicator will be rated by HUD on the HA's SEMAP certification. An agency can earn a maximum of 10 points for this indicator if the review confirms that based on a random sample:

- 100% of life threatening emergencies were completed within 24 hours;
- 98% of all other cited HQS deficiencies were corrected within no more than 30 days or any HA approved extension;
- If deficiencies were not corrected within required time frame, the HAP payment 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 the HA'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 HA's SEMAP certification. An agency can earn a maximum of 5 points for this indicator if the review confirms that:

- The HA has a written policy to encourage participation by owners of units outside areas of poverty or minority concentration; the HA clearly delineates areas in its jurisdiction that the HA considers areas of poverty or minority concentration, and which includes actions the HA will take to encourage owner participation.

- The HA encouraged participation by owners outside areas of poverty and minority participation.

- The HA has prepared maps that show various areas, both within and outside of its jurisdiction.

- The HA'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

- The HA's information packet includes an explanation of how portability works and includes a list of neighboring HA with the name, address and telephone number of a portability contact person at each.

- HA 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, HA documentation shows that the HA 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 5 points for this indicator if:

- At least 98% 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 the HA has adopted payments standards which do not exceed the applicable FMR or approved exception rent limit and which are not less than 80% of the current FMR, unless approved by HUD.

Zero points are earned if the random sample demonstrates that more than 2% of the files sample have gross rents that exceed the applicable FMR, or HUD-approved exception rent limits, or the HA's rental voucher program payment.

Indicator #9 – Annual Re-Certifications

The purpose of this indicator is to determine whether the housing agency completes an annual re-examination 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 2 months overdue. An agency can earn a maximum of 10 points for this indicator if the MTCS report confirms that fewer that 5% of all HA reexaminations are more than 2 months overdue. Five points can be earned if the report confirms that 5 to 10% of all HA reexaminations are more than 2 months overdue. Zero points are earned if more than 10% of all HA reexaminations are more than 2 months overdue.

Indicator #10 – Correct Tenant Rent Calculations

The purpose of this indicator is to determine whether the housing agency 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.

An agency can earn a maximum of 5 points for this indicator if the MTCS report confirms that 2% or fewer of all HA tenant rent and family's share of rent to owner calculations are incorrect. Zero points will be awarded if more than 2% of all HA 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 to 99 percent of newly leased units passed HQS inspection before the beginning of the HAP contract, the HA will receive 5 points. If fewer than 98% passed inspection prior to execution of the contract, the HA will receive 0 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 2 months passed due. It should be noted that the 2-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 2 months passed due. It should be noted that the 2-month allowance is provided to accommodate a possible lag in the housing agency's electronic submission and not in the completion of the inspection. The HA will receive 10 points if fewer that 5% of the annual inspections are more than two months late, 5 points if 5% to 10% are more than two months late and, 0 points if more than 10% of annual inspections are more than two months late.

Indicator #13 – Lease-Up

The purpose of this indicator is to determine whether the housing agency 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 HA fiscal year as determined by taking unit-months under HAP contract as shown on the HA'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 HA'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% or more. Fifteen points will be awarded if 95-98% of the units were leased during the last fiscal year. Zero points will be awarded if less than 95% of the units were leased during the last fiscal year.

Indicator #14 – Family Self-Sufficiency

The purpose of this indicator is to determine whether the HA has enrolled families in the FSS program as required, and the extent of the HA's 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 HA 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 HA's concerning FSS families enrolled in their FSS programs but who have moved.

Indicator #15 – Deconcentration

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 HA's principal operating area.

Verification Process

This indicator will be verified by the HA 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 HA deemed substandard under the Section 8 Management Assessment Program. Upon HUD's confirmation of a substandard score the HA 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 the HA is standard.

Capitulo 22
Programa de Compradores de Sección 8

Introducción

El Departamento de Vivienda y Desarrollo Comunal del Municipio de San Juan y su programa de Sección 8 han determinado crear el Programa de Compradores que fue autorizado bajo la ley titulada "Quality Housing and Work Responsibility Act" de 1998. Es el objetivo de este Programa expandir las oportunidades de vivienda de los participantes del Programa de Sección 8 proveyéndoles la oportunidad de una unidad de vivienda rentada a una propia.

Este Programa es uno nuevo que, permite a cualquier participante del Programa Regular de Sección 8 adquirir una vivienda y utilizar el dinero proveniente de su "voucher" de Sección 8 para el pago de la hipoteca de la misma.

Fundamento Legal

El Programa de Compradores de Sección 8 está autorizado por la sección 8(y)de la Ley de Vivienda de los Estados Unidos de 1937, según enmendada por la Ley de Calidad de Vivienda y Responsabilidad en el trabajo de 1998. Este Programa es un sub-componente del Programa de Vouchers que ya opera el Municipio, pero con la diferencia que permite la utilización del subsidio para el pago de una hipoteca. Al igual que el Programa de Sección 8, este Programa tiene como objetivo proveer una vivienda sana, segura y asequible a personas de ingresos bajos.

El Municipio de San Juan como recipiente de los fondos de Sección 8 es una Agencia de Vivienda que esta autorizada por la reglamentación federal para manejar un programa de este tipo. Además el Municipio posee la experiencia y la capacidad administrativa para manejar este programa ya que desde 1992 maneja el programa HOME un programa que tiene los mismos objetivos excepto que provee el pronto para la adquisición de viviendas.

Objetivo del Programa

El Programa de Compradores de Sección 8 tiene como objetivo ofrecer asistencia para el pago de una hipoteca a personas de ingresos bajos. Bajo este programa la familia selecciona una unidad de vivienda y el programa le proporciona parte del pago mensual de la hipoteca con fondos del Programa de Vouchers de Sección 8.

Criterios de Elegibilidad

Cualquier participante del Programa de Sección 8 puede seleccionar su participación en el Programa de Compradores. El Municipio de San Juan le proveerá a cada prospecto o candidatos elegibles un paquete informativo en el cual se explicaran los requisitos del programa y las obligaciones de cada participante.

Para poder ser elegible al Programa de Primeros Compradores, la familia participante deberá cumplir con los siguientes requisitos de elegibilidad, según establecidos por HUD y la Oficina de Vivienda del Municipio de San Juan:

1. Ser un participante del Programa de Sección 8 del Municipio de San Juan y cumplir con todos los requisitos de elegibilidad del mismo.

2. Ser miembro de una cooperativa de vivienda, de acuerdo a lo definido por el 24 CFR 982.4(b).

3. Ser una familia que tenga una o más personas con impedimentos y que la tenencia de la vivienda sea un requisito para encontrar una vivienda accesible.

4. Tener un ingreso mínimo anual de $14,500 dólares.*

*Este salario deberá ser revisado cada vez que haya un aumento en el salario mínimo federal, ya que esta calculado de acuerdo a la siguiente formula:

Ingreso Mínimo = Salario Mínimo ($7.25) x 2,000 (horas)

Cuando se lleve a cabo el calculo de ingreso mínimo no se deberá contar la ayuda prestada por el gobierno.

En el caso de familias con impedimentos o de envejecientes el ingreso mínimo será igual a $6,948. Este ingreso es equivalente al ingreso anual suplementario de seguridad (SSI Federal Supplemental Security Income). Este salario también se deberá revisar cuando el Seguro Social modifique el mismo.

5. La familia deberá demostrar que al menos un adulto que tendrá titularidad en la propiedad tiene un trabajo a tiempo completo de no menos de 30 horas semanales. Esta persona deberá llevar trabajando al menos un año en el mismo trabajo.

Si la persona tiene un empleo propio deberá demostrar evidencia de que lleva un año o más en su negocio.

En caso de familias de envejecientes o personas con impedimentos están exentos de cumplir con este requisito de trabajo.

6. No haber sido dueño o co-dueño de una vivienda por los pasados 3 años. Esto no aplica a padres solos que durante el término de un matrimonio fueron co-dueños de una propiedad y que luego de mediar un divorcio o una separación el otro cónyuge mantuvo la propiedad.

7. Ninguna familia que haya participado del Programa de Compradores y haya abandonado el mismo, por haber sido declarado en "default" por no hacer los pagos de una hipoteca, podrá participar del programa nuevamente.

8. No tener ninguna propiedad a su nombre en el Centro de Recaudación de Ingresos Municipales (CRIM).

9. No tenga deuda contributiva con el Departamento de Hacienda.

10. Deberá aportar un mínimo del 1% del precio de venta de la unidad.

11. Certifica haber radicado la planilla de contribuciones sobre ingresos en los pasados 5 años o en aquellos en que sus ingresos hayan excedido los $3,000 dólares anuales. De no haber radicado la misma por ser un nuevo contribuyente o por alguna otra razón deberá someter una declaración jurada que indique las razones por la cual no radica la misma. Copia de la declaración jurada será enviada al Departamento de Hacienda.

Requisitos de la Vivienda

Para que una familia pueda participar del programa es necesario que escoja una vivienda que cumpla con todos los requisitos establecido por la reglamentación y por el Municipio de San Juan. A continuación listamos los requisitos que aplican a toda aquella vivienda que vaya a ser seleccionada por los participantes:

1. La vivienda podrá ser una vivienda existente o encontrarse en construcción.

2. La unidad podrá ser individual, condominio, en walk-up o cualquier tipo de unidad que tenga permiso de construcción.

3. La unidad deberá pasar los Housing Quality Standards antes de que se permita la ocupación de la misma. Esta inspección será llevada a cabo por personal de la Oficina Vivienda. En estos casos no hay que hacer un análisis de razonabilidad en la renta.

4. La unidad deberá pasar una inspección completa por un inspector independiente certificado y escogido y pagado por la familia. Esta inspección deber cubrir los siguiente elementos:

- Todos los componentes de la unidad
- Zapata
- Estructura
- Interior y exterior
- Techo
- Plomería
- Electricidad

El inspector deberá proveer una copia del informe de inspección al Municipio para su debida evaluación y aprobación. Es necesario que la unidad de vivienda pase la inspección independiente y la de HQS. De pasar solamente una de las inspecciones, el Municipio no aprobará la unidad para el Programa de Compradores hasta tanto la unidad sea reparada. El inspector no podrá ser empleado del Municipio de San Juan ni de ninguna otra agencia del Gobierno de Puerto Rico.

5. La familia deberá localizar una vivienda y asegurar su financiamiento en un periodo no mayor a 3 meses desde el momento en que comienza en el programa y se le permite buscar una vivienda. Si en ese periodo de tiempo no ha encontrado una vivienda deberá solicitar una prórroga explicando las razones por la cual no pudo completar la compra de la propiedad. Si la persona no puede completar ninguna transacción, ya sea por la falta de financiamiento o por alguna otra razón podrá regresar al Programa de Vouchers sin ninguna penalidad.

La familia deberá informar al Municipio cada mes de las gestiones que está realizando para adquirir y obtener financiamiento de la vivienda. Este informe deberá ser preparado por escrito y podrá ser enviado por correo certificado o podrá traerse personalmente a la Oficina Regional que le corresponda.

6. Cuando la familia haya completado todos los trámites para adquirir la vivienda deberá presentar un contrato de compraventa en el cual se establezca:

- El precio y términos de la venta
- Cuando se llevaran a cabo las inspecciones
- Que reparaciones se le realizarán a la vivienda (si alguna)
- Certificación del comprador de que no esta desaforado, suspendido o que su participación en proyectos de HUD está limitada.
- Que el participante no está obligado a comprar la vivienda a menos que la vivienda pase inspección;
- Que el participante no está obligado a costear las reparaciones a la vivienda para que esta cumpla los requisitos de ley

7. La vivienda deberá estar localizada en los límites municipales del Municipio de San Juan.

8. La propiedad tiene que constituir la residencia principal de la familia participante y no puede ser arrendada o destinada a otro uso que no sea residencial mientras la misma sea asistida con los fondos de sección 8. Si la familia abandona la casa, el Municipio detendrá inmediatamente cualquier pago a la institución bancaria.

9. El participante deberá presentar copia de la tasación que utilizará el banco para procesar el financiamiento. La tasación deberá ser preparada por un tasador privado con licencia para operar en Puerto Rico.

El Vendedor

El vendedor de la vivienda no podrá ser una persona que haya sido desaforada, suspendida o que su participación en proyectos asistidos por fondos HUD haya sido limitada por el Departamento de Vivienda Federal (Los términos en inglés son debarred, suspended, of subject to limited denial of participation).

El vendedor de la vivienda podrá ser el Municipio, una corporación privada, un individuo, una sociedad o cualquier persona que cumpla con los términos de esta sección. En el caso de que el Municipio sea el vendedor de la vivienda, la inspección de HQS tendrá que ser realizada por una entidad o individuo separada del mismo.

Programa de Consejería

Todo participante del programa recibirá un adiestramiento para nuevos compradores antes de que pueda adquirir la unidad de vivienda. El adiestramiento será ofrecido por el Municipio o por una entidad autorizada por éste sin ningún costo a los participantes y el mismo consistirá de lo siguiente:

- Como mantener una vivienda en buenas condiciones y principios básicos de mantenimiento.
- Preparación de presupuesto y manejo del dinero
- Consejería de la importancia del crédito
- Como negociar el precio de una vivienda
- Como obtener financiamiento para una vivienda y los tipos de financiamiento, sus ventajas, desventajas y como obtener los mismos
- Como identificar una vivienda adecuada y que sea asequible, incluyendo las ventajas de tener una escuela cerca y medios de transportación accesibles.
- Ventajas de comprar un hogar en áreas donde no exista concentración de personas bajo el nivel de pobreza

- Vivienda justa y derechos de los compradores.
- Información y derechos de los procesos de cierre al comprar una vivienda.

La Oficina de Vivienda ofrecerá consejería de seguimiento a aquellos participantes que hayan adquirido el hogar para garantizar la salud económica y convivencia de los mismos. Será responsabilidad de la familia asistir a los adiestramientos y presentar la evidencia de haber completado el curso satisfactoriamente.

Financiamiento

Es responsabilidad del participante obtener el financiamiento para la unidad de vivienda que desea adquirir. Este financiamiento deberá ser obtenido de acuerdo a las reglas y condiciones de las instituciones bancarias de Puerto Rico. Bajo ningún concepto se permitirá el financiamiento de la unidad por el vendedor o por otra parte que no sea una institución autorizada por el Comisionado de Instituciones Financieras de Puerto Rico. La institución financiera deberá cumplir con uno de los siguientes requisitos:

- Proveer hipotecas garantizadas o aseguradas por el Gobierno de Puerto Rico o el Gobierno Federal
- Cumplir con los requisitos de uderwriting del mercado hipotecario secundario
- Cumplir con los requisitos de financiamiento (underwriting) de la banca hipotecaria de Puerto Rico

La autorización para proceder con el financiamiento será exclusiva del Municipio de San Juan. El Municipio de San Juan determinará si la familia tiene la capacidad financiera para asumir el pago de la hipoteca. El Municipio podrá denegar el financiamiento aunque la institución hipotecaria haya aprobado el mismo. Entre las razones para desaprobar el financiamiento se pueden encontrar:

- Costo del financiamiento es muy alto en relación a la cantidad del préstamo
- Las primas de los seguros de prestamos son muy altas
- Balloon Payments
- Tasas de interés variables
- Relaciones muy altas de deudas versus ingresos

La cantidad máxima a financiarse no excederá el 100% del valor de la propiedad. Los fondos de vouchers provenientes del Departamento de Vivienda y que serán asignados a la familia, podrán ser utilizados para el pago del pronto y los gastos de cierre, una vez HUD autorice, en el Federal Register, su utilización. Los fondos que otorgará el Municipio de San Juan para el pago de la hipoteca deberán ser considerados por la banca privada como un ingreso del participante para propósitos de la cualificación.

Además de los requisitos establecidos en este reglamento, es responsabilidad de la familia el cumplir con todos los requisitos de la institución hipotecaria, siempre que los mismo sean cónsonos con la ley y no violenten lo establecido por las leyes estatales y federales. Las instituciones bancarias deberán seguir lo establecido por el "Equal Credit Opportunity Act" al momento de evaluar y cualificar a los participantes del Programa de Sección 8.

El Municipio de San Juan tiene alianzas con diferentes bancos hipotecarios que conocen el Programa de Compradores, que pueden ayudar al participante en acelerar el proceso y completarlo de acuerdo a la ley. El Municipio no recomienda ninguno de estos bancos pero tiene un listado de estos a disposición de los participantes.

El Municipio de San Juan ni el Departamento de Vivienda Federal son considerados co-deudores ni tienen ninguna obligación en la hipoteca solicitada por el participante. Al representante del Banco Hipotecario se le dará copia de este reglamento y una carta de certificación en la cual se identifican las condiciones de la ayuda del Programa, la cantidad del Payment Standard y el método para calcular el subsidio mensual.

El Municipio de San Juan no proveerá ninguna información del participante a la institución bancaria a menos que este lo autorice por escrito.

El banco hipotecario deberá enviar una certificación del documento de financiamiento. Con dicho documento se verificará el ingreso reportado por la familia y se comparará con el ingreso reportado al Programa, para determinar discrepancias en el mismo.

Responsabilidades de las Familias Participantes

Las familias participantes deberán cumplir con lo siguiente:

1. Durante el término de la asistencia el participante no podrá vender, donar, permutar, o enajenar el inmueble si el previo consentimiento del Municipio.

2. Cumplir con todos los pagos de la hipoteca.

3. Cumplir con todos los otros requisitos del Programa de Vouchers

4. Asistir a todas las citas programadas por el personal del Municipio

5. Durante el término de la asistencia de Sección 8 ningún componente del grupo familiar podrá estar en proceso de compra (opción, separación, permuta u otro tipo de transacción o de interés en una propiedad) de otra propiedad.

6. Si por alguna razón el banco declara en "default" a la familia, esta tendrá la obligación de informar al Municipio de dicha acción. Si la familia no cumple con su obligación del pago de la hipoteca no podrá regresar al Programa Regular de Sección 8 y tendrá que abandonar el Programa.

7. El participante no tendrá derecho a portabilidad en el Programa de Compradores y la propiedad adquirida estará localizada única y exclusivamente en el Municipio de San Juan

8. La familia podrá seguir participando del Programa hasta que la ayuda del Municipio sea igual a $0, cuando determine abandonar el mismo, o cuando entre en violación de la reglamentación del Programa.

Asistencia Financiera a la Familia

El Municipio de San Juan le ofrecerá a la familia participante un subsidio para el pago de la hipoteca de acuerdo a lo establecido por la reglamentación. Es responsabilidad de la familiar identificar una vivienda, obtener el pronto para la misma, y asegurar un financiamiento a través de una institución hipotecaria de Puerto Rico.

Antes de que la persona sea aceptada al programa de compradores el Municipio llevará a cabo lo siguiente:

1. Se evaluará la composición familiar y que se encuentre en cumplimiento con todos los requisitos del programa de sección 8.
2. Se evaluará la elegibilidad de ingresos de la familia
3. Se evaluara el criterio de que el jefe de la familia haya estado empleado por un periodo de un año antes de solicitar el ingreso al programa de compradores.

Una vez verificada toda la información se procederá a calcular la asistencia financiera a la familia.

El subsidio para el pago de la hipoteca se podrá otorgar por un período máximo de 15 años si la hipoteca es de 20 años o más, o de 10 años si la hipoteca es a 15 años. Los envejecientes y las personas con impedimentos podrán recibir la ayuda financiera por el término de la hipoteca. La clasificación del participante como envejeciente será al momento de comenzar en el programa y no si se convierte en envejeciente durante el término de la asistencia. En el caso de las personas con impedimentos la clasificación podrá aplicar en cualquier momento. Si la clasificación de envejeciente o de persona con impedimento cambia durante el término de la asistencia (muerte, divorcio, abandono, rompimiento del grupo familiar)el término de asistencia se calculará desde que la familia comenzó en el Programa.

La aportación del Municipio al pago de la hipoteca será igual a la aportación que esta realizando al arrendador al momento del participante entrar al Programa de Compradores y ninguna excederá el Payment Standard. La aportación a la hipoteca se calcula de la siguiente manera:

1. Se calcula primero el Total Tenant Payment

Family Total Tenant Payment es la cantidad mayor de:
30% del ingreso mensual ajustado
10% del ingreso bruto ajustado
Renta Mínima establecida

2. Luego se calcula el Gasto Mensual de la Hipoteca que son:

Principal e interés de la hipoteca
Seguro hipotecario
Contribuciones sobre la propiedad
Seguro de propiedad
Utilidades pagadas por el Municipio
Aportación del Municipio para mantenimiento
Aportación del Municipio para reparaciones mayores
Cuotas de mantenimiento

3. La aportación del Municipio se obtiene seleccionando el más bajo de:
Payment Standard - Family Total Tenant Payment (TTP)
Gasto Mensual de la Hipoteca - Total Tenant Payment

Si el pago de la hipoteca excede el payment standard es responsabilidad de la familia realizar el pago adicional a la institución. El payment standard utilizado para el calculo de la asistencia en la propiedad será el mas alto de:

- El que tenia al comenzar en el Programa
- El utilizado durante el último re-examen

Para el cálculo del subsidio en el re-examen anual, el valor de la propiedad no se contará como un activo de la familia.

La porción del pago de la hipoteca que le corresponde al Municipio se hará directamente al banco.

Requisito de Empleo a familia participantes

Toda familia que interese participar en el programa de compradores deberá demostrar que tiene un historial de empleo estable por un periodo minimo de un año antes de solicitar la asistencia del programa de compradores. Este historial será verificado por el personal del Municipio para determinar la elegibilidad de la familia. Aquellas personas que estén autoempleadas o que tengan empleos irregulares pero que cumplan con el requisito de 30 horas semanales podrán participar del programa siempre y cuando cumplan con el requisito de ingresos mínimos establecido por la reglamentación. Los requisitos de empleos no aplican a personas con impedimentos o de envejecientes.

Para propósitos de este programa el Municipio ha definido como persona empleada a aquel que no haya estado sin trabajo por un periodo mayor a 4 semanas. Personas empleadas a tiempo parcial tendrán que demostrar que trabajan más de 30 horas semanales y que tienen el ingreso mínimo requerido.

La verificación de que el participante ha estado empleado se hará a través del EIV, verificación por terceras partes, comunicación oral o escrita con el patrono. La documentación del criterio de estar empleado se hará durante el reexamen anual.

Cambios en la composición o el tamaño familiar

Todo cambio en la composición familiar deberá ser reportado al Municipio. Una vez reportado el cambio al municipio se evaluará si la familia continua siendo elegible para participar en el programa. Si el cambio requiere modificar la asistencia económica a la familia se procederá a notificar el mismo al área de contabilidad del programa de sección 8.

Si durante el reexamen anual el pago de HAP resulta en cero, la familia puede seguir participando en el programa por seis meses a partir de la fecha del reexamen. Durante ese período, el contrato HAP entre el Municipio y el participante seguirá en vigor. Si las circunstancias de la familia cambian durante el período de seis meses y la familia vuelve a necesitar asistencia, el Municipio llevará a cabo una reexaminación interina y reinstituirá la asistencia. Al final de los seis meses, si no se ha restaurado el subsidio, se terminará el contrato de HAP. El Municipio deberá notificar a la familia y al banco por lo menos con 30 días de anticipación a la fecha propuesta para la terminación, así como la oportunidad de solicitar una audiencia informal.

Participantes del programa de autosuficiencia

El programa de compradores no requiere que sus participantes provengan del programa de autosuficiencia. Sin embargo se presume que muchos participantes de dicho programa participaran del programa de compradores. En estos casos se permitirá que los fondos depositados en el "escrow account" sean retirados (siempre y cuando sean para gastos relacionados a la compra de la vivienda) sin penalizar al participante del programa de autosuficiencia.

Termino para adquirir una vivienda

Todo participante del programa de compradores tendrá un término máximo de 180 días desde la otorgación del voucher para encontrar una vivienda y firma un contrato de adquisición. Si el participante no encuentra una vivienda en dicho periodo se podrá otorgar una extensión de 60 días adicionales. De no encontrar una vivienda en el periodo adicional el participante será excluido del programa de compradores pero no del programa de vouchers. Será discreción del director del programa de sección 8 otorgar extensiones adicionales a las establecidas en este documento.

SECTION 23

MODERATE REHABILITATION PROGRAM

General

The Moderate Rehabilitation (Mod Rehab) Program was established through the Housing and Community Development Amendment of 1978 to bridge the gap between Section 8 Substantial Rehabilitation and Section 8 Rental Assistance and was intended to upgrade marginally deteriorated existing buildings for use as assisted rental housing.

The overall plan for Moderate Rehabilitation Program is designed to achieve three major objectives:

- To increase freedom of housing choice by providing assisted housing in areas where low-income families have not previously been able to find housing.
- To assist lower income families to remain in areas where private rehabilitation is increasing rents and decreasing the amount of rental housing.
- To supplement a local government's efforts to preserve or revitalize a neighborhood.

Purpose

The purpose of this section of the Administrative Plan is to establish policies for items, which are not covered under Federal regulation for the Moderate Rehabilitation Program.

This section of the Administrative Plan addresses those items unique to the Section 8 Moderate Rehabilitation Program. Many operational and administrative policies for the Moderate Rehabilitation Program are treated the same as in the Housing Choice Voucher Program. Therefore, if a policy is not specifically addressed in this section of the Plan, then MSJHA's position on that policy is either already identified in other sections of this plan or otherwise addressed in the federal regulations.

The section also includes guidance for the Moderate Rehabilitation Single Room Occupancy (SRO) Program for Homeless Individuals. The purpose of the SRO program is to provide rental assistance for homeless individuals with substance abuse problems and to provide ongoing rehabilitative and support services for program participants.

Family Outreach

MSJHA will be using a separate waiting list for tenant based and project based housing assistance, the latter including the Moderate Rehabilitation Program. For the Moderate Rehabilitation Program the Municipality will use the same waiting list policies identified previously in this plan.

MSJHA will inform families on the waiting list of the Moderate Rehabilitation program opportunities. If there is insufficient interest and response for available units, MSJHA will advertise for applicants specifically for the Section 8 Moderate Rehabilitations Programs.

Income Limitations

The HA will admit families who are very low-income and low-income to a project (s) which initially became available for occupancy before October 1, 1981.

Projects, which became available for occupancy on or after October 1, 1981, will only admit very-low income families

Other Criteria For Admission

Families whose Total Tenant Payment, computed in accordance with Federal Regulations, exceed the current Gross Rent for the Moderate Rehabilitation unit will not be admitted.

Tenant Selection

MSJHA will be using a separate waiting list for tenant based and project based housing assistance, the latter including the Moderate Rehabilitation Program, and will refer applicants to owners of these properties upon notification of a vacancy. Owners remain responsible for tenant selection and may choose to reject referrals from the HA for reasons related to suitability. The owner must provide MSJHA in writing with the reasons for rejection of referrals made to Mod Rehab units.

All vacant units under HAP Contract must be rented to eligible families referred by MSJHA. The owner must be willing to accept applicants from the waiting list to fill eligible vacant units when they meet the owner's selection criteria, in order for the unit to continue to be eligible under the HAP Contract.

The HA is responsible for obtaining income, asset and allowance information, conducting verifications, and determining tenant eligibility or rent. Applicants already on the waiting list will be requested to fill out a full application to determine final eligibility.

If within thirty days of the owner's notification of the vacancy, MSJHA is unable to refer a sufficient number of interested applicants on the waiting list, the owner may advertise or solicit applicants and refer the families to the MSJHA for application, verifications, and eligibility determination.

Determining Unit Size

The size of the families referred to the Moderate Rehabilitation unit will be based on the number of bedrooms available in the unit pursuant to the Subsidy Standard schedule identified previously in this Plan.

When a change in family composition requires a change in bedroom size, the HA will determine whether the unit is overcrowded or under occupied, in which case the owner must offer the family a suitable alternative unit should one be available and the family will be required to move.

If the owner does not have a suitable unit, MSJHA will refer the family to other available project based assistance units (Mod Rehab or PBA). If the family refuses to accept an appropriate available unit, the family's assistance will be terminated on the last day of the month following the month in which the family rejected the offer of an appropriate unit size.

Statement Of Family Responsibility Issuance And Briefing

After the owner has notified the HA of a vacancy, the owner has determined tenant suitability, verification has been completed and the family has been determined eligible, the family will be issued a Statement of Family Responsibility for participation in the Moderate Rehabilitation Program.

However, MSJHA will not issue a Statement of Family Responsibility to the family unless the household representative has attended a briefing. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing if a briefing is scheduled within the next 30 days. Applicants who fail to attend a scheduled briefing, without prior notification and approval of the HA, may be denied admission based on failure to complete the certification process.

The HA will conduct the briefing in group or individual sessions and will provide a full explanation of the following:

- Family obligations as stated in the Statement of Family Responsibility and the program regulations;
- Federal, State and local fair housing laws;
- The fact that the subsidy is tied to the unit and the family must occupy a unit rehabilitated under the program;
- The family's options under the program should the family be required to move due to an increase or decrease in family size;
- The advisability and availability of blood lead level screening for children under seven years of age and HUD's requirements for inspecting, testing, and in certain circumstances, abated lead-based paint;
- Information as to the Tenant Rent; and,

- The schedule of Allowances for Utilities and other services.

Lease Agreement

MSJHA will provide the owner with a Mod Rehab lease agreement as approved by HUD. The owner and the family must execute the lease agreement and provide an executed copy to MSJHA for the tenant file.

Security Deposit Requirements

The maximum amount of security deposit that can be collected by the owner shall be one month's Total Tenant Payment.

Housing Quality Standards And Inspections

Annual HQS inspections will be conducted on the anniversary date of the HAP contract for the unit, not on the anniversary date of the tenant lease. Annual inspections will be conducted for all units under a single contract at the same time to facilitate inspection of common areas within multi-unit buildings.

If an owner fails to comply with housing quality standards and other obligations under the Contract, the HA will abate the housing assistance payment for that unit until the owner is in compliance. If the owner fails to meet the compliance requirements within the timeframe specified under the abatement, the project-based assistance for that unit will be terminated.

The termination of the effected unit(s) does not automatically terminate the entire Contract. However, the contract is amended to reduce the number of eligible units to exclude those units for which the owner failed to bring into compliance with the HQS standards.

Upon amendment or termination of a contract, the family may elect to stay in the unit and pay market rent; however, their rental assistance will terminate since the unit does not meet HQS and was removed as an assisted unit under the Contract.

If the family was not at fault and they are eligible for continued assistance, the family may continue to receive housing assistance through the conversion of the Moderate Rehabilitation unit to a Housing Choice Voucher.

The family will be issued a Voucher, which must be used in a non-Moderate Rehabilitation project. The unit continues to count as a Moderate Rehabilitation unit and remains under the Moderate Rehabilitation Annual Contributions Contract (ACC), which provides for such a conversion of unit(s); no amendment to the ACC is necessary to convert to a voucher.

After the family leaves the Program, the converted Moderate Rehabilitation "Voucher" will be

reissued to another family on the Section 8 waiting list.

Contract Rent Adjustments

Contract rent adjustments are based on the published annual adjustment factor. The AAF is applied to the original base rent in affect at the time of HAP contract execution. Rent changes will be applied annually at the anniversary date of the HAP contract.

Special rent increases or increases in excess of the allowable annual adjustment may be requested by the owner based on increases in fixed costs.

Family Moves

The Moderate Rehabilitation Program provides project-based assistance, which is tied to the unit under contract. Therefore, if the family vacates the unit, no additional assistance will be available to the family unless the family transfers to another Mod Rehab unit with the approval of MSJHA and the property owner.

All terminations of lease agreements for cause must be carried out through judicial process under State and local law. The owner cannot terminate or refuse to renew the lease except upon the following grounds:

- Serious or repeated violation of the terms and conditions of the lease;
- Violation of applicable Federal, State or local law; or
- Other good cause.

The owner must serve a written notice of termination of tenancy to the family, which states the date the tenancy shall terminate. Such date must be in accordance with the following guidelines:

- When termination is based on failure to pay rent, the date of termination must not be less than five working days after the family's receipt of the notice.
- When termination is based on other good cause, the date of the termination must be not earlier than thirty days after the notice is served on the family.

The Notice of Termination must contain the following:

- State the reasons for such termination with enough specificity to enable the family to prepare a defense;

- Advise the family that if a judicial proceeding for eviction is instituted, the tenant may present a defense in that proceeding; and

- Be served on the family be sending a prepaid first class, properly addressed letter (return receipt requested) to the tenant at the dwelling unit, or by delivering a copy of the Notice to the dwelling unit.

Denial Or Termination Of Assistance

In accordance with 24 CFR 882.413 MSJHA may terminate assistance to Mod Rehab participants for the following reasons:

- Failure to comply with all provisions of the lease agreement; and,

- Failure to fulfill all of its obligations under the Statement of Family Responsibility, which include the following:

  - Providing such family income information and records as may be required in the administration of the program;

  - Permitting inspection of its dwelling unit at reasonable times after reasonable written notice;

  - Giving at least thirty days notice in writing to the HA of the family's intention to vacate the unit;

  - Cooperating with the HA in finding another unit where the family is no longer eligible for the Contract unit it occupies because of a change in family size;

  - Not assigning the lease or subleasing the premises, and;

  - Not providing accommodations for boarders or lodgers.

  - Engaging in drug-related criminal activity or violent criminal activity, including criminal activity by any family member.

Only members listed in Item I on the Statement of Family Responsibility and children born to or adopted by one of these family members are entitled to housing assistance under this program. Any other increases in the family size must be approved by the HA in advance. The family agrees that any persons who move in without permission by be required to leave the unit if the HA determines that the unit has become overcrowded.

Zero ($) Assistance Tenants

A family's eligibility for housing assistance payments shall continue until the Total Tenant Payment equals the Gross Rent. At that time, the family may remain in the unit and pay market rent. The unit

remains under contract and all responsibilities of the owner and family under the contract continue to apply.

Rental assistance will resume if at any time the family notifies the HA that their situation has changed and they are again eligible to receive rental assistance and the HAP Contract is still in effect.

Owner Claims For Vacancies, Damages And Unpaid Rent

According to 24 CFR 882.411 and the contract, owners are entitled to special claim payments for damages, unpaid rent and vacancies under certain terms and conditions. These terms and conditions are specified in the Housing Assistance Payments contract.

The owner will be required to notify MSJHA that a unit has been vacated. A move out inspection will be conducted if the owner indicates that they intend to file a special claim. The vacate inspection will be completed within 5 days from the owners request and the results of the inspection will be provided to the owner within 5 days from the date of the inspection.

Claims must be submitted within 10 days from the date of the inspection results. Claims received after that date will not be approved.

Complaints And Appeals

Informal reviews do not apply to the Mod Rehab program, as there are no specific applicants for the program. Informal Hearings are available to program participants for denial or termination of assistance. The policy governing hearings for the Mod Rehab Program is the same as the Housing Choice Voucher Program.

Contract Renewals

One year prior to expiration of the Housing Assistance Payments Contract for Moderate Rehab, Project Based or SRO properties, owners must determine if they will choose to renew the contract or terminate the property from the program.

If owners choose to terminate the property from the program, notice must be provided to the tenant one year prior to expiration of the HAP contract. MSJHA will issue Housing Choice Vouchers to tenant in good standing 120 days prior to the expiration date of the contract to commence seeking alternative housing units. If a tenant is not in good standing, a voucher will be denied and the owner will be responsible for termination of the lease and evicting the tenant in accordance with local laws. The tenant will not be entitled to any additional assistance.

If the owner chooses to renew the contract, the contract will be renewed for a period of one year in the Mod Rehab and SRO Programs and in accordance with the terms of the Project Based Assistance Plan for the PBA properties.

SECTION 24
PROJECT BASED ASSISTANCE PLAN

General

The Municipality of San Juan Housing Agency will provide Project Based Section 8 Vouchers in accordance with the provisions set forth in CFR Part 983 and the guidance notice issued by the U. S. Department of Housing and Urban Development on January 16, 2001, the plan set forth herein and any future notices issued by HUD.

Program Set-Aside

The number of project based units that will be made available for the PBA Program will be equal to 20% of the total funding available under the Annual Contributions Contract (ACC) for tenant based assistance (Housing Choice Voucher funding), equivalent to 20% of the baseline units established by HUD.

Up to 20% of any new funding increments may also be designated for project-based assistance provided that the funding is not designated for any other special purpose under the Housing Choice Voucher Program.

Agency Plan

Prior to entering into a Housing Assistance Payments Contract for Project Based Assistance, MSJHA will determine that said contract is consistent with the Annual Agency Plan. Consistency with the Plan will be determined through the existence of circumstances indicating that project-basing of Section 8 assistance, rather than tenant-basing of the same amount of assistance, is an appropriate option and is consistent with the requirements of "deconcentrating poverty and expanding housing and economic opportunities".

To assure consistency with deconcentration of poverty all new project based assistance agreements or Housing Assistance Payments contracts must be for units located in census tracts with poverty rates of less than 20%, unless MSJHA secures an exception from the HUD.

Eligible Housing Units

MSJHA will provide project based assistance for new construction, rehabilitation and existing housing based on the criteria established further in this plan.

A housing unit will be considered an existing unit for purposes of the project-based voucher

program, if, at the time of selection of the project, the unit requires a maximum expenditure of less than $1,000 per assisted unit to comply with the Federal Housing Quality Standards (HQS). A housing unit will be considered a rehabilitation unit if the unit requires a minimum of more than $1,000 per assisted unit to comply with HQS.

All proposed sites for rehabilitation and new construction must meet the site and neighborhood standards as defined in 24CFR 983.6. Ineligible properties include the following:

- Housing for which the construction or rehabilitation is started before execution of the PBA agreement;
- Shared housing, nursing homes, and facilities providing continual psychiatric, medical, nursing services, board and care, or intermediate care;
- Properties within the grounds of penal, reformatory, medical, mental and similar public or private institutions;
- Properties located in the Coastal Barrier Resources;
- Properties located in areas having special flood hazards unless, it is located in an area participating in the National Flood Insurance Program.

Other federal requirements to determine eligibility of units include the following: prohibition from using PBA in units with other assistance under the U.S. Housing Act of 1937 within five years prior to PBA; minimizing displacement as defined in 24CFR983.10; Equal Opportunity and environmental requirements defined in 24CFR983.11 and Uniform Federal Accessibility Standards (UFAS) as defined in 24 CFR Section 8.23,

Income Mix

No more than 25% of the total units in a multi-family development may receive project-based assistance unless the assisted units are made available to elderly or disabled families.

This provision only applies to units assisted with project-based vouchers; there is no limitation on the income of other tenants in a PBA project or on households with tenant-based voucher assistance.

Notification of Program Availability

MSJHA will accept applications for the PBA program on an annual basis until such time that the full program set-aside has been placed under HAP contract.

The availability of project-based assistance will be advertised in a newspaper of general circulation once a week for three consecutive weeks. In addition, MSJHA will conduct an owner's workshop to advise all interested parties of the program advantages, proposal requirements, evaluation criteria, tenant selection requirements and other general program requirements.

The following items will be included in the program advertisement:

- The deadline for submission of applications (not less than 60 days from the date of the announcement of availability).

- The total estimated number of units to be selected for assistance.

- The proposal evaluation criteria and timelines for selection of units.

Owner Application Requirements

Property owners responding to the notification of PBA funding must submit an application in the form prescribed by MSJHA. The application must contain at a minimum the following information:

- A description of the housing including the number of units by size, bedroom count, bathroom count, sketches of the proposed new construction or rehabilitation, unit plans and estimated date of construction, if applicable. Amenities and other services should also be included in this description.

- Evidence of site control and for new construction, identification and description of the proposed site, site plan and neighborhood.

- Evidence of current zoning or evidence to indicate that rezoning is likely and will not delay the project.

- The proposed contract rent for the project including which utilities are included and for those utilities not included an estimate of average monthly costs for the first year of occupancy.

- A statement identifying all information related to displacement and relocation and identification of the responsible party that will carry out the relocation.

- Identification of the owner and other project principals, investors and other parties that have a substantial interest in the project and information on the qualifications and experience of the principal participants.

- A management and maintenance plan for the project.

- Evidence of financing to support the project.

- Other relevant information as determined by MSJHA.

Program Selection Criteria

In addition to the criteria identified above under eligible units, the following threshold criteria must

be met for an application to be considered for selection for the PBA program.

- The proposed project must not permanently displace any current tenants. Tenants may be temporarily relocated if necessary during rehabilitation of the unit at the expense of the owner.

- Rental levels must not exceed 110% of the Fair Market Rent or any approved exception payment standard and must be reasonable in relation to rents charged in the private market for unassisted comparable units.

- If a unit has been allocated a low income housing tax credit (IRS Code 42) but is not located in a qualified census tract, as defined in the law, the rent levels may be set at any level that is comparable with unassisted market rate units.

Following are the review criteria with associated point values that will be used by MSJHA in the evaluation process of proposals received under the PBA program. There is no minimum passing score, nor a specific maximum score. Projects will be ranked by score and the highest ranked projects will undergo further review by MSJHA. The selected projects must comply with all requirements set forth in this plan and all application HUD regulations.

Evaluation Criteria	Points
The proposed housing serves a target population in order of priority: developmentally disabled; other disabled; elderly; and large families.	20
The proposal preserves and rehabilitates historic properties or develops new affordable housing through new construction.	20
The proposal submitted demonstrates a thorough, in-depth, well-planned project meeting all federal requirements and other eligibility criteria.	20
The applicant's qualifications are appropriate for the project under consideration and firm financial commitments are adequately documented.	20
Rental subsidy is necessary for the viability of the project, management of the project is consistent with Section 8 requirements and the degree to which supportive services will be provided to the project.	20
TOTAL MAXIMUM POINTS	**100**

Prior to selecting the units for project based assistance, MSJHA will make a determination that the

application is responsive and in compliance with all selection criteria and is otherwise in compliance with HUD program regulations and requirements.

Establishment of Initial Rents

The Housing Authority will contract with a State certified general appraiser and establish the rents in accordance with the provisions outlined above or seek approval of proposed rents from HUD for any MSJHA owned units or HUD insured or co-insured mortgage.

Rehabilitation Work and New Construction Requirements

The owner will be required to prepare work write ups, construction specifications and plans upon request as determined appropriate by MSJHA for rehabilitation and new construction projects. In addition, new construction projects require certification by a design architect that the proposed new construction reflected in the working drawings and specifications complies with housing quality standards, local codes and ordinances and zoning requirements.

The owner is responsible for selecting a responsible contractor for rehabilitation and new construction and said contractor must provide MSJHA with a non-debarment certification.

An agreement to enter in a Housing Assistance Payments (AHAP) Contract will be executed upon satisfactory completion of all requirements identified above. Upon execution of the AHAP, the construction period shall commence. The construction period shall be determined in accordance with the approved application and entered into the AHAP agreement. MSJHA will perform regular inspections during the construction period.

Upon completion of construction, the owner must provide MSJHA with a certificate of occupancy and an owner certification pursuant to 24CFR983.104. MSJHA will perform a final inspection prior to acceptance of the units and notify the owner of any deficiencies that may exist. The owner will be allotted a time extension if warranted or MAS may reject any units that do not meet program requirements. If deficiencies are not cured in the agreed upon time or the owner fails to complete the work within the timeframe identified in the AHAP agreement, MSJHA may adjust the number of units to be placed under contract or not proceed with execution the HAP agreement.

Housing Assistance Payments Contract

Upon acceptance of the units by MSJHA, a Housing Assistance Payments contract for Project Based Assistance for the Housing Choice Voucher Program will be executed in the format prescribed by HUD (52530-A).

MSJHA will execute all PBA HAP contracts for a period of 10 years, subject to future availability of funding under the ACC with HUD. In addition, the HAP contract will permit two extensions for a period of five years each, based on a determination by MSJHA that an extension is necessary to

achieve long term affordability of the housing.

The HAP contract will provide for annual review of the rental amounts. Adjustments of rents will be subject to the annual adjustment factor provided that the rents charged for the PBA units are comparable to unassisted units in the rental market.

Special rent adjustments above the annual adjustment factor shall also be considered if it is determined that the rent continues to be reasonable. The owner shall be responsible for providing MSJHA with market comparability data for any special rent increase that is requested.

MSJHA will provide for vacancy payment under the PBA contract for up to 60 days provided that the vacancy is not the fault of the owner and the owner MSJHA taken every reasonable action to minimize the likelihood and extent of vacancies.

Tenant Selection

Tenants residing in units selected for the PBA program who otherwise qualify for Section 8 assistance will be placed on the MSJHA Section 8 waiting list. Owners may also refer applicants to the waiting list based on MSJHA waiting list policies and selection criteria.

MSJHA will maintain a combined waiting list for Moderate Rehabilitation and Project Based Assistance, but separate from the tenant based waiting list. Applicants will be referred to available PBA or MR units as they reach the top of the list and units are available.

Admission to PBA units is subject to HUD requirements and 75% of all new admissions on an annual basis must be at or below 30% of median income of the area. The remaining 25% shall have annual incomes between 30% and 50% of median income. An exception to this admission criteria will be made for any continuously assisted family in the Section 8 tenant base program or the Public Housing program who wishes to locate to a PBA unit.

Owners must lease all assisted units to eligible families. Failure to do so will result in a reduction of the units under contract or other legal remedies including suspension or debarment from HUD programs.

After one year of occupancy in a PBA unit, a tenant may move. MSJHA will convert PBA tenants wishing to move to Housing Choice Voucher participants by providing them with the next available voucher. Housing Assistance payments will continue on the PBA unit until the tenant vacates the PBA unit.

The owner is responsible for screening and selection of tenants in accordance with the written selection criteria approved as part of the original proposal for the PBA program. The owner must promptly notify MSJHA in writing of the rejection of a family and the grounds for such decision.

If the owner rejects an applicant family who believes the rejection was unlawful discrimination, MSJHA will assist the family or refer the family to the local Fair Housing Center or the HUD field office.

When a family is selected for a PBA unit, MSJHA will brief the family and provide them with all required written information and documents identified in 24CFR983.203.

Ongoing Activities

MSJHA shall administer the PBA program in accordance with all provisions under the Housing Choice Voucher program including issuing of monthly HAP payments, annual re-certification of household composition and income and annual inspection of all units to assure compliance with HQS.

The owner is responsible for managing the units in accordance with all requirements under the approved management plan and the Housing Assistance Payments contract. After initial occupancy, the owner must immediately notify MSJHA of any vacancies. MSJHA will refer a minimum of five families to the owner from its exiting waiting list.

If MSJHA has not referred an adequate number of applicant families to the owner within 30 days from notification of the vacancy, the owner may advertise and solicit applications from otherwise eligible families. Upon selection of an applicant, the owner will refer the applicant to MSJHA for processing and briefing.

If a determination is made that the unit does not meet HQS requirements due to overcrowding as defined in the subsidy standards in the MSJHA Housing Choice Voucher program, then MSJHA will issue tenant based assistance upon availability.

Other Policies

All other policies stated in the Section 8 administrative plan related to occupancy of Section 8 tenant-based assisted units will apply to Project Based units as appropriate.

SECTION 25
OTHER SPECIAL PROGRAMS

General

The US Department of Housing and Urban Development periodically provides funding under the Section 8 Housing Choice Voucher Program for special programs. MSJHA generally will apply for these programs and if successful may have a set aside of special use vouchers that will be administered in accordance with the provisions of the funding notification issued by HUD. The following is a summary description of the special programs currently administered by MSJHA. Unless otherwise stated, the general administrative requirements of these programs will be the same as stated throughout the Administrative Plan.

Family Self-Sufficiency Action Plan

Goals And Objectives - The overall goal of the MSJHA FSS Program is to enable families to become economically and socially independent through the coordination and delivery of existing community services. The MSJHA approach to administration of an effective FSS Program requires a mixture of creativity and flexibility, in addition to accountability, for both the family and service providers.

The overall plan of the FSS Program is to achieve the following objectives:

1. Introduce FSS to all families who are eligible to participate with the understanding that the commitment to change "begins from within."
2. Implement a needs assessment to identify each family's strengths and barriers; establish interim goals that lay the foundation for the common final goals of each family joining FSS.
3. Establish interagency partnerships to achieve high quality and comprehensive service delivery to all members of a family with long term results.
4. Meet with FSS participants on a yearly basis to review goals and to assess the accountability of the families and the agencies involved.

MSJHA's standards for completion of the FSS Contract of Participation include:

- to seek and maintain suitable employment.
- to become independent of welfare assistance and remain independent for 12 consecutive months before the FSS Contract expires.
- to be in good standing with no current or anticipated debt to either Section 8 or the Landlord.

Family Objectives - The overall plan for the family participating in FSS is to achieve the following objectives:

1. Begin to recognize the connection between self-perceptions and self-imposed limitations. By learning that thoughts can shape and form one's life, the prescription for success is to "begin within."

2. Achieve a greater level of self-discipline, self-esteem and self-motivation by accepting responsibility for decisions and actions.
3. Demonstrate commitment and accountability to the Individual Training and Services Plan in which both goals and barriers are assessed.

Outreach Procedures - Recruiting must remain an ongoing effort. FSS is not a one time "take it or leave it" offer. The entire staff is encouraged to promote FSS during daily contact with families. Outreach procedures are objective and provide reasonable opportunity to find out about FSS.

Recruitment Of Participants - After the initial Briefing that offers FSS, the Housing Specialist will also offer FSS to every Section 8 participant during his/her initial enrollment and/or recertification. Family Self-Sufficiency staff will explain the benefits of the program to each potential FSS participant who wishes to meet with FSS staff. If the participant desires to enroll in the program, he/she will meet with a Family Self-Sufficiency staff person to complete the Family Self-Sufficiency Assessment Form. An overview of the FSS Contract will be explained and completed during the face-to-face interview.

Selection Of Participants - Housing assistance shall not be delayed to an applicant for Section 8 on the basis that the applicant elects not to participate in FSS at the time it is introduced. Families will be recruited from current Section 8 Voucher participants as well as from Project Based Assistance.

Eligibility For FSS - Every effort is made to promote the FSS concept to those least likely to participate as well as those already involved in FSS type activities. By using a self-select approach, the emphasis is for families to express a commitment to change by joining FSS.

Eligibility Factors

1. Families (including individuals) who qualify for any bedroom size will be eligible.
2. As a voluntary program, Section 8 does not screen or select families for participation.
3. In the event a family joined FSS and then left the Section 8 program, later, if they return to the Section 8 program, the family would be eligible to rejoin the FSS Program after a period of 12 months (from the date they left FSS) for good cause. Good cause means circumstances beyond the control of the FSS family as determined by MSJHA, such as serious illness or involuntary loss of employment.
   In this situation, no monies in escrow from the previous contract are transferable.
1. In the event a family does not complete their FSS Contract and remains on the Section 8 program, they would be eligible to rejoin the FSS Program after a period of 12 months (from the date the FSS contract expired) for good cause (as defined above).

Motivational Factors - Limited motivational screening factors include:

1. Willingness to learn about FSS.
2. Willingness to enroll and participate in the FSS Program.
3. Demonstrated commitment to the Individual Training and Services Plan that establishes short range and long range goals.
4. Willingness to sign a release of information for other agencies to have access to file information.
5. Willingness to provide information and/ or meet with FSS as is deemed necessary regarding the family's participation in FSS.

Information Assessment - The FSS staff person will review the Assessment Form with the enrollee to identify client strengths and determine areas of interest. The FSS staff person will evaluate current client support systems and possible educational and training needs. With the FSS focus of achieving economic and social self-sufficiency through employment and continued career development, FSS staff will identify support services that may reduce the dependency of low-income families on welfare assistance and on Section 8.

The topics, which will be explored in the Family Self-Sufficiency Assessment Form, are: Child/Dependent Care, Social Systems, Health, Legal Issues, Budgeting, Transportation, Housing, Education/Training and Employment. These categories have been identified as areas upon which families begin the process of setting goals and developing an individual plan by which to become self-sufficient. Resources and referrals will be provided to FSS participants based upon areas of need identified on the Assessment Form.

Goal Development And Planning - With supportive counseling from FSS staff, each participant will be asked to work with FSS to develop an Individual Training and Services Plan by learning to set goals. With a goal being “the end toward which an effort is directed,” a family will be asked to decide what he/she wants to accomplish during the five year FSS Contract. The staff person will assist the participant to break down the long term goals into manageable steps. In addition, FSS staff will encourage the family to identify goals that are reasonable and attainable.

In the first year of the FSS contract, the family will be asked to identify 1-2 specific goals in order to start to accomplish the long-range goals of self-sufficiency. Sub-goals will be identified as active steps to lead to the goal to be accomplished during the first year. The participant will receive a copy of the Individual Training and Services Plan and the FSS Contract. The FSS staff person will explain the requirement to meet with FSS staff on an annual basis in order to review completion of the annual goals. The annual review for FSS will likely coincide with the participant’s annual recertification.

Annual Review - The Family Self-Sufficiency staff will review both HUD’s mandatory goals to

successfully complete the program and the specific yearly goals relevant to the family as listed on the Individual Training and Services Plan. In addition, the family will be provided with a balance of the current escrow amount. The previous year's goals will be reviewed and the family will work with FSS staff to set goals for the following year. The participant will have an opportunity to amend their long-term goals as needed. The FSS staff person will again assist the participant to set goals that are sufficiently specific and concrete so that the goals are measurable. Available resources will be provided as necessary.

During the Annual Review, the participant will also complete the HUD 50058 FSS Addendum. The participant will be reminded to return the following year to update and review goals until the contract expires or the family completes the FSS Contract (whichever occurs first).

Incentives - Including Escrow Clarification - To encourage participation in FSS, every effort will be made to collaborate with other agencies, companies and persons to identify resources that will benefit or enhance a family's life as they progress toward the goal of economic self-sufficiency.

Incentives may include:

1. Identifying volunteer activities in the community relevant to family's goals.
2. Resume service (by referral).
3. Internet access to search for jobs, scholarship and other information.
4. Making job referrals and also references for those families we come to know.
5. Scholarship opportunities, including writing letters of recommendation.
6. At the request of the family, delaying issuance of the Voucher for a period not to exceed twelve (12) months when it allows the family to complete a goal-oriented FSS type activity. By supporting a family's decision to complete a current goal, FSS is laying a foundation for a partnership with both the agencies already providing services and the family. In these cases, the family does not lose their place on the waiting list.
7. Establishing the escrow savings account and allowing interim disbursement of a portion of the family's escrow account during the Contract period for expenses deemed by FSS to be consistent with the goals of the family's Individual Training and Services Plan. Such needs may include, but are not limited to, the following:
    a. School tuition or other school expenses
    b. Job training expenses
    a. Business start-up expenses
    b. Transportation

    The following limitations apply for partial disbursements:
    a. Withdrawals can be made only once during a 12-month period.
    b. No more than 50% of the total amount in escrow may be withdrawn (exception to this % may be considered).
    c. When withdrawal is to purchase an automobile, the family must have a minimum of $ 4000.00 to withdraw 50% or $2000.00.
    d. Payment to be made either to the family or to a pre-approved third party when possible.
    e. Receipt(s) must be submitted after purchase has been made.

f. Limit of three payments to be made relevant to transportation.

8. No monthly deposit will be made to a family's escrow account if the FSS family has not paid the family contribution towards rent.
9. Assistance in completion of various applications for school enrollment and/or funds.

Consequences Of Noncompliance With FSS Contract Of Participation - Families are required to meet with FSS staff on an annual basis in order to review progress and/or completion of the most recent annual goals listed on the Individual Training and Services Plan. By use of a Goal Worksheet, a staff person will assess the FSS participant's current situation to set short-term goals with the family for the next twelve months. These short-term goals will be summarized on the Individual Training and Services Plan as part of the family's FSS contract. The following corrective actions will be taken in order of progression to determine if the FSS Contract will remain in effect:

1. The offer to counsel family to update interim goals and review what activities or services would be appropriate.
2. Notification in writing that supportive services will be withheld until family initiates or follows through on activities consistent with FSS goal.
3. Notification in writing of our intention to terminate FSS Contract will include right to an informal hearing.

Penalties for FSS action to terminate FSS Contract include:

1. Termination of supportive services.
2. Forfeiture of amount in FSS escrow saving account.
3. Family would not be eligible to rejoin FSS Program for a period of 12 months and then only if the family can demonstrate that they are ready to commit to FSS goals and objectives.

HA will <u>not</u> terminate Section 8 assistance as a consequence of termination of the FSS Contract of Participation. Family may continue to receive Section 8 subsidies according to the terms of the Voucher and Lease/Contract in effect.

FSS and family may mutually agree to terminate FSS Contract. The same terms apply as listed under penalties.

Interims - MSJHA will follow its established policy to determine whether an interim should be completed.

Portability Of FSS Contract And Escrow Account - A family participating in FSS becomes eligible for portability of FSS Contract and escrow account 12 months after the effective date of the FSS Contract as long as the family is in good standing with Section 8 and FSS.

1. As the Initial HA, we will permit the family to continue to participate in our FSS Program if the family demonstrates it can meet its FSS goals and responsibilities in its new location. This option is available when the Voucher is administered by the

Receiving HA. Cooperation of the receiving HA is needed to confirm accuracy of deposits we would make in the escrow account.

2. As the Receiving HA, we may absorb the FSS Contract when the Voucher is absorbed. Any monies in the escrow savings account will be transferred from the Initial HA to the Receiving HA.

Contract Completion - **The Family Self-Sufficiency staff will review the family's status relative to the goals listed in the Individual Training and Services Plan and the HUD mandated goals in the FSS Contract to determine whether the family has successfully completed the FSS program. All participants will be asked to complete an Exit Form. Participants who have funds in the escrow account will also complete the Application for Withdrawal of Escrow Accounts form. Upon review of the request for escrow funds, the Family Self-Sufficiency staff will determine whether to recommend that the escrow funds be released to the family.**

The staff will process the request for payment of escrow for those participants who have achieved MSJHA's standards for completion of the FSS Contract as stated above. This is accomplished by working with the family to set annual goals in the Individual Training and Services Plan that encourage the family to move toward personal and program goals of self-sufficiency.

Networking In The Community - An FSS program goal is to serve as a connector for families to available community services rather than to serve in the role of traditional case manager. For this reason, it is important to develop a support network of those agencies that have the common purpose of providing supportive services to enable families to achieve self-sufficiency.

Program Coordinating Committee – The FSS Program Coordinating Committee will coincide with the Community and Supportive Services Partnership Committee for the HOPE VI Program. This committee includes all service agencies with whom the Authority has partnership agreements for the provision of support services that assist families in working towards economic self-sufficiency.

Coordination Of Services - Services and activities under the FSS Program will be coordinated with relevant community services (including training, education and child care) in order to avoid duplication of services and activities.

Final Goal For Each Family Who Joins FSS - The head of each FSS family will seek and maintain suitable employment and become and remain independent of welfare assistance for 12 consecutive months prior to the end of the FSS Contract.

1. Definition of "seeking and maintaining employment" - Head of FSS family must apply for employment, attend job interviews and otherwise follow through on employment opportunities.
2. Definition of "suitable employment" - Based on the person's skills, education and available job opportunities within the Charleston County metropolitan area, a job should be analyzed according to the following criteria:

a. current level of income
b. benefits including health & retirement, and costs involved
c. tuition reimbursement
d. location of job relevant to source and cost of transportation and day care
e. job satisfaction
c. potential for advancement

Definition of "minimum suitable employment" – minimum wage x 30 hrs. per week with consideration for extenuating circumstances such as health, child's health, student status, long range career plan.

3. Verification of welfare free status (as currently defined by HUD) must be provided prior to final withdrawal of escrow account funds.