City of Virginia Beach

Department of Housing and Neighborhood Preservation

Housing Choice Voucher Program

2011 Agency Plan

And

Five Year Agency Plan 2010-2014

April, 2011

ANNUAL AGENCY PLAN SUBMISSION FOR 2011
HOUSING CHOICE VOUCHERS
CITY OF VIRGINIA BEACH
DEPARTMENT OF HOUSING AND NEIGHBORHOOD PRESERVATION
VA – 039

APRIL 2011

Support Files Included in the Plan:

File 1 – Cover Letter and Required 50075

File 2- City Ordinance, HUD 50077, 50077 -cr and HUD 50077-sl

File 3 – Annual Plan Detail and Required Elements

File 4 – Progress Report on Achieving Strategic Goals

File 5 – Evidence of Public Meeting and Comments

File 6 –Administrative Plan

File 7 – Second Half of Administrative Plan

SUPPORT FILE #1
COVER LETTER TO HUD RICHMOND OFFICE

City of Virginia Beach

VBgov.com

DEPARTMENT OF HOUSING AND
NEIGHBORHOOD PRESERVATION
(757)-385-5750
FAX (757) 385-5766
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2424 COURTHOUSE DR.
MUNICIPAL CENTER BLDG 18A
VIRGINIA BEACH, VA 23456

April 14, 2011

Mr. Robert Jennings
Director
Virginia Public Housing Program Center
600 E. Broad Street, 3rd Floor
Richmond, VA 23219

Dear Mr. Jennings,

I am pleased to submit the 2011 Agency Plan and required updates for the Housing Choice Voucher Program of the Virginia Beach Department of Housing and Neighborhood Preservation. The Plan was formally approved by City Council on April 12, 2011. A copy of their certified ordinance is included along with the required Certifications HUD 50077 and HUD 50077SL.

We have used the mandated HUD 50075 in preparing this year's Plan, which requires that certain elements be maintained at the office rather than having to be submitted.

All public notification and review requirements including a thorough review of the Plan with our Resident Advisory Board were completed.

If you have any questions, please feel free to contact Ms. Candace Bowser, acting Rental Housing Administrator, at 757-385-5740.

Sincerely,

Andrew Friedman
Director

Cc: Candace Bowser, Rental Housing Administrator

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: Virginia Beach Dept. of Housing and Neighborhood Preservation PHA Code: VA-039

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

PHA Fiscal Year Beginning: (MM/YYYY): 07/01/10

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

Number of PH units: _____ Number of HCV units: 1913

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.

NOT APPLICABLE THIS YEAR / SUBMITTED IN FIVE YEAR PLAN

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:

NOT APPLICABLE THIS YEAR / Subm,itted in five year Plan

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.

NOT APPLICABLE THIS YEAR /Submitted in five year plan

6.0 PHA Plan Update

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

(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.

SEE ATTACHED FILE

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.*

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

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.

NOT APPLICABLE

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.

NOT APPLICABLE

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. Submitted in five year plan and in the 50075

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. NOT REQUIRED THIS YEAR five year previously submitted**
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. (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" SEE ATTACHED FILE

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

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.

SUPPORT FILE # 2
CITY OF VIRGINIA BEACH
2011 ANNUAL AGENCY PLAN:

CITY ORDINANCE APPROVAL
HUD 50077
HUD 50077-SL

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 _X_ 5-Year and/or _X_ Annual PHA Plan for the PHA fiscal year beginning 7/1/2010, hereinafter referred to as" the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

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

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

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

I, James K. Spore the City Manager certify that the Five Year and Annual PHA Plan of the VBDHNP is consistent with the Consolidated Plan of City of Virginia Beach prepared pursuant to 24 CFR Part 91.

James K. Spore 4/14/11

Signed / Dated by Appropriate State or Local Official

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

Civil Rights Certification

Annual Certification and Board Resolution

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

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

City of Virginia Beach	VA 039
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 James K. Spore	Title City Manager
Signature James K. Spore	Date 4/14/11

CITY OF VIRGINIA BEACH
AGENDA ITEM

ITEM: An Ordinance to Adopt the 2011 Housing Choice Voucher Annual Agency Plan and a Revised Administrative Plan and to Authorize the City Manager to Execute and Submit the Plans to the U.S. Department of Housing and Urban Development

MEETING DATE: April 12, 2011

■ **Background:** The City's Department of Housing and Neighborhood Preservation ("DHNP") operates the federally-funded Housing Choice Voucher program ("HCV program"), formerly known as the Section 8 Program. The U.S. Department of Housing and Urban Development ("HUD") requires agencies that operate HCV programs to submit (1) an annual plan for each fiscal year in which federal funding is received for its HCV program and (2) an administrative plan.

■ **Considerations:** The purpose of the Annual Agency Plan is to update HUD on DHNP's progress in achieving the goals in the Five Year Plan. The Annual Agency Plan describes the organization of the HCV program, and details the strategies employed in satisfying affordable rental housing needs in the City. The Annual Agency Plan consists of a mission statement, long term goals, and a series of strategies to accomplish those goals. The DHNP is also required by HUD to include certifications demonstrating DHNP's compliance with applicable laws, and HUD rules and regulations.

Also covered by this ordinance is the HCV Administrative Plan, which details the policies and procedures that govern the day to day operation of the HCV program. The previously approved Administrative Plan has undergone revision and is included for approval in this ordinance request. The Annual Agency Plan incorporates the provisions of this revised Administrative Plan and also provides additional plan elements and certifications that are required by HUD annually. The approved plans must be electronically submitted to HUD no later than April 15, 2011.

■ **Attachments:** Ordinance, Executive Summary

Recommended Action: Adopt Ordinance
Submitting Department/Agency: Housing & Neighborhood Preservation
City Manager:

AN ORDINANCE TO ADOPT THE 2011 HOUSING CHOICE VOUCHER ANNUAL AGENCY PLAN AND A REVISED ADMINISTRATIVE PLAN, AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND SUBMIT THE PLANS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City's Department of Housing and Neighborhood Preservation ("DHNP") operates the federally-funded Housing Choice Voucher program ("HCV program"), formerly known as the Section 8 Program; and

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") requires agencies that operate HCV programs to submit (1) a five-year plan; (2) an annual agency plan for each fiscal year in which DHNP receives federal funding for its HCV program; and (3) a revised administrative plan, as applicable; and

WHEREAS, DHNP submitted a five-year plan to HUD in 2010 detailing DHNP's mission and long range goals and objectives for achieving its mission over the subsequent five years; and

WHEREAS, DHNP is required to annually file an agency plan to update HUD on DHNP's progress in achieving the goals stated in the five-year plan; and

WHEREAS, DHNP is also required to file an administrative plan describing the operational procedures of the HCV program at DHNP; and

WHEREAS, as required by HUD, DHNP has prepared an annual agency plan and a revised administrative plan; and

WHEREAS, DHNP is required by HUD to include a certification in the annual agency plan demonstrating DHNP's compliance with applicable laws, and HUD rules and regulations, in order to continue to operate the HCV program; and

WHEREAS, executive summaries of the annual agency plan and the administrative plan are attached hereto, and a copy of each plan is on file with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

DHNP's annual agency plan and revised administrative plan for the Housing Choice Voucher Program are hereby ratified and adopted, and the City Manager is hereby authorized and directed to execute and submit the annual agency plan and the revised administrative plan to the U.S. Department of Housing and Urban Development.

Adopted by the Council of the City of Virginia Beach, Virginia on the 12th day of April, 2011.

APPROVED AS TO CONTENT:

Department of Housing & Neighborhood Preservation

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney's Office

CERTIFIED TO BE A TRUE COPY OF AN ORDINANCE ADOPTED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA, ON APRIL 12, 2011

Ruth Hodges Fraser, MMC
City Clerk

CA11843
R-1
March 31, 2011

Executive Summary

2011 Housing Choice Voucher Plans – Five Year, Annual and Administrative Plans

Department of Housing and Neighborhood Preservation

April, 2011

Federally-Required Plans for the Housing Choice Voucher Program

The Department of Housing & Neighborhood Preservation (DHNP) operates the federal Housing Choice Voucher Program (HCV) in the city. The program provides funding for rental subsidies for over 1,900 households in Virginia Beach and in some cases in neighboring cities. Funding for the HCV program is from the U.S. Department of Housing and Urban Development. In order to comply with all Federal requirements for this program, the city must create and adopt the following plans:

Plan Name	Summary Purpose and Content	Status
Five Year Agency Plan	Provides long term guidance for the program	This plan was developed and adopted by Council in 2010.
Annual Agency Plan	Describes the agency's plan for the current year, consistent with the five year plan	Developed by staff and proposed for adoption by Council *with this ordinance*
Administrative Plan	Describes in detail how the HCV program will operate	Amendments have been developed by staff and are proposed for adoption by Council *with this ordinance*

Additional Detail on Plan Contents

Five Year Agency Plan: This plan provides the long-term direction for the agency in operating the HCV program. No changes to this plan are proposed at this time.

Annual Agency Plan: This plan must be submitted annually. The plan as developed by staff contains the following information:

- Eligibility, selection and admissions policies, including de-concentration and wait list procedures
- Financial resources
- Rent determination procedures
- Operations and management
- Grievance procedures
- Self-sufficiency programs (FSS)

- Civil rights certifications
- Fiscal year audit
- Housing needs for the area
- Strategy for meeting housing needs
- Progress in meeting mission and goals
- Any significant amendment and substantial deviations or modifications
- Any plan elements that have been revised since the last Annual Plan certification
- A listing of the locations where key elements of the Plan can be found

On March 22, 2011 the Plan was reviewed with our Resident Advisory Board. That board is composed of representatives from our Virginia Beach Housing Choice Voucher holders. Their comments will be attached to the final HUD submittal along with any that are received from the general public.

The approved Annual Agency Plan along with the two required certifications must be electronically submitted to HUD no later than April 15, 2011 which is the required 75 days before the beginning of our Federal Fiscal Year of July 1, 2011.

Administrative Plan:

Staff have developed the 2011 revisions to the plan. Primary differences between the 2010 approved plan and the revision are as follows:

- Numerous format, grammatical and organizational corrections.
- Change of policy to allow for a consolidation of homeless single room occupancy waiting lists.
- Revisions to ensure the plan reflects actual day to day operations of VBDHNP's Rental Housing Division
- Insertion of required policy descriptions for a new program: Project Based Veterans Administration Supportive Housing (VASH) Vouchers.
- Changes in our Housing Quality Standards Inspections policy to allow for two rescheduled inspections appointments to accommodate family emergencies.
- Added Welfare Fraud as a violation to our reasons for termination procedures
- More detailed explanation of how Fraud issues are reported to and handled by VBDHNP
- DHNP will accept application from SRO Mod. Rehab participants to the HCV waiting list (when open) after one years of residency in SRO unit.

- More details on verification procedures

Because of the extent of these revisions, Council approval is required. Once approved, the revised plan will be advertised and made available to the public and, in particular, to current Section 8 voucher holders.

Executive Summary

Housing Choice Voucher Administrative Plan

City of Virginia Beach

HCV PROGRAM AND ADMINISTRATIVE PLAN

The City of Virginia Beach Department of Housing & Neighborhood Preservation (VBDHNP) operates the Housing Choice Voucher Program (HCV) within the Rental Housing Division. The VBDHNP receives its funding for the HCV program from the Department of Housing and Urban Development. The VBDHNP enters into an Annual Contributions Contract with HUD to administer the program requirements on behalf of HUD. The VBDHNP must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

Pursuant to 24 CFR 982.54 the VBDHNP must adopt a written administrative plan that establishes local policies for administration of the (HCV) program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be formally adopted by the City Council. This is required because Virginia Beach does not have a housing authority and, therefore no board of commissioners. The administrative plan states VBDHNP policy on matters for which the VBDHNP has discretion to establish local policies. The plan must be in accordance with HUD regulations and requirements. The current administrative plan was approved by the Virginia Beach City Council on February 24, 2009, modified in 2010, and subsequently submitted to the Department of Housing and Urban Development. The plan is the key attachment to the Annual Agency Plan which is also submitted by the VBDHNP.

CONTENTS OF THE PLAN

Federal regulations at 24CFR 982.54 further stipulate the VBDHNP administrative plan must cover VBDHNP policies on the following subjects:

- Selection and admission of applicants from the DHNP waiting list, including any DHNP admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the DHNP waiting list (Chapter 4)
- Issuing or denying vouchers, including DHNP policy governing the voucher term and any extensions or suspensions of the voucher term. 'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If the DHNP decides to allow extensions or suspensions of the voucher term, the DHNP administrative plan must describe how the DHNP determines whether to grant extensions or suspensions, and how the DHNP determines the length of any extension or suspension (Chapter 8);

- Any special rules for use of available funds when HUD provides funding to the DHNP for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter Chapter 4
- Occupancy policies, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 5 and 15);
- Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 1);
- Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2);
- Providing information about a family to prospective owners (Chapters 3 and 9);
- Disapproval of owners (Chapter 13);
- Subsidy standards (Chapter 5);
- Family absence from the dwelling unit (Chapter 12);
- How to determine who remains in the program if a family breaks up (Chapter 12);
- Informal review procedures for applicants (Chapter 18);
- Informal hearing procedures for participants (Chapter 18);
- The process for establishing and revising voucher payment standards (Chapter 8);
- The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 11);
- Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 4);
- Policies concerning payment by a family to the DHNP of amounts the family owes the DHNP (Chapter 17);
- Interim re-determinations of family income and composition (Chapter 12);
- Restrictions, if any, on the number of moves by a participant family (Chapter 13);
- Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 1);
- Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 10); and
- DHNP screening of applicants for family behavior or suitability for tenancy (Chapter 2)

The 2011 revision of the plan has been prepared and is available for review. Primary differences between the 2010 approved plan and the revision are as follows:

- Numerous format, grammatical and organizational corrections.
- Change of policy to allow for a consolidation of homeless single room occupancy waiting lists.
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Executive Summary

2011 Housing Choice Voucher Plans – Five Year, Annual and Administrative Plans

Department of Housing and Neighborhood Preservation

April, 2011

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Executive Summary

2011 Housing Choice Voucher Plans – Five Year, Annual and Administrative Plans

Department of Housing and Neighborhood Preservation

April, 2011

- Civil rights certifications
- Fiscal year audit
- Housing needs for the area
- Strategy for meeting housing needs
- Progress in meeting mission and goals
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- A listing of the locations where key elements of the Plan can be found

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SUPPORT FILE # 3
CITY OF VIRGINIA BEACH
2011 ANNUAL AGENCY PLAN:

HUD FORM 50075

Narrative on File #3 Contents

To offer a complete document to HUD, Section 8 voucher holders and the public, the Virginia Beach Department of Housing and Neighborhood Preservation (VBDHNP) has included an updated copy of its Annual Plan and Administrative Plan with our submission. We have utilized the format from the template to update the necessary section for this year's Annual Plan. The format continues to be a useful tool in supporting the HUD Form 50075. In its outline form, all the required sections are included.

Finally, we have attached a complete copy of our Administrative Plan, which was approved on April 12, 2011 by the Virginia Beach City Council. The Revised Administrative Plan contains the detailed policies and procedures of the HCV program in Virginia Beach.

Specifically in response to the requirements of the new HUD 50075 template.

Section 6.0- PHA Plan Update-

1. The Annual Plan and Five Year Plan are available at our administrative office located at 2424 Courthouse Drive in Virginia Beach. It is available for viewing between 8:00 a.m. and 5:00 p.m., Monday through Friday.
2. Contained in the attachment are policies and procedures including but not limited to Eligibility, Selection and Admission Policies, Wait List and De –concentration Policies, Financial resources, Rent Determination, Operation and Management.
3. Fiscal Audits are on file in the Virginia Beach City Offices. In addition, our agency received the rating of "High Performer" on the SEMAP Review during the past two years.

OMB Approval No: 2577-0226
Expires: 08/31/2009

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

PHA Plans

5 Year Plan for Fiscal Years 2010-2014

Annual Agency Plan Update and Support Documents for Fiscal Year 2011

NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN ACCORDANCE WITH INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES

PHA Plan
Agency Identification

PHA Name: City of Virginia Beach Dept. of Housing & Neighborhood Preservation (DHNP) **PHA Number:** VA 039

PHA Fiscal Year Beginning: (mm/yyyy) 07/2011

PHA Programs Administered:

☐ **Public Housing and Section 8** ☒ **Section 8 Only** ☐ **Public Housing Only**

Number of public housing units: Number of S8 units: 1901 Number of public housing units:
Number of S8 units:

☐ PHA Consortia: (check box if submitting a joint PHA Plan and complete table)

Participating PHAs	PHA Code	Program(s) Included in the Consortium	Programs Not in the Consortium	# of Units Each Program
Participating PHA 1:				
Participating PHA 2:				
Participating PHA 3:				

Public Access to Information

Information regarding any activities outlined in this plan can be obtained by contacting: (select all that apply)

☒ Main administrative office of the PHA
☐ PHA development management offices
☐ PHA local offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

☒ Main administrative office of the PHA
☐ PHA development management offices
☐ PHA local offices
☐ Main administrative office of the local government
☐ Main administrative office of the County government
☐ Main administrative office of the State government
☐ Public library
☐ PHA website
☐ Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

☒ Main business office of the PHA
☐ PHA development management offices
☐ Other (list below)

5-YEAR PLAN
PHA FISCAL YEARS 2010 - 2014
[24 CFR Part 903.5]

A. 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. (select one of the choices below)

☐ The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

☒ The PHA's mission is: " Creating quality solutions that expand housing opportunities and promote vibrant, well-maintained neighborhoods"

B. Goals
The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

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

☒ PHA Goal: Expand the supply of assisted housing
Objectives:
- ☒ Apply for additional rental vouchers:
- ☐ Reduce public housing vacancies:
- ☒ Leverage private or other public funds to create additional housing opportunities:
- ☐ Acquire or build units or developments
- ☒ Other (list below)

Assist other Housing organizations to obtain resources for Housing Development

☒ PHA Goal: Improve the quality of assisted housing
Objectives:
- ☐ Improve public housing management: (PHAS score)
- ☒ Improve voucher management: (SEMAP score)
- ☒ Increase customer satisfaction:
- ☐ Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)
- ☐ Renovate or modernize public housing units:
- ☐ Demolish or dispose of obsolete public housing:

☐ Provide replacement public housing:
☒ Provide replacement vouchers: To continue pro-active coordination with owners of HUD mortgaged properties within the City and the VA State HUD office to transfer the subsidy assistance to the HCV program, through the various conversion processes.
☐ Other: (list below)

☒ PHA Goal: Increase assisted housing choices
Objectives:
☒ Provide voucher mobility counseling:
☒ Conduct outreach efforts to potential voucher landlords
☐ Increase voucher payment standards
☐ Implement voucher homeownership program:
☐ Implement public housing or other homeownership programs:
☐ Implement public housing site-based waiting lists:
☐ Convert public housing to vouchers:
☐ Other: (list below)

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

☒ PHA Goal: Provide an improved living environment
Objectives:
☐ Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
☐ Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
☐ Implement public housing security improvements:
☐ Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
☒ Other: (list below)
Continually work with Code enforcement Division staff in the DHNP to maintain and improve the livability conditions of all neighborhoods within the City.

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

☒ PHA Goal: Promote self-sufficiency and asset development of assisted households

Objectives:

- ☒ Increase the number and percentage of employed persons in assisted families:
- ☒ Provide or attract supportive services to improve assistance recipients' employability:
- ☒ Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- ☒ Other: (list below)
  Provide S8 HCV participants with homeownership education and opportunities through the DHNP Homebuyer's Club.

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

☒ PHA Goal: Ensure equal opportunity and affirmatively further fair housing
Objectives:

- ☒ Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
- ☒ Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
- ☒ Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
- ☒ Other: (list below)
  To ensure S8 HCV division staff receive training on Fair Housing and Affirmative Action.
  To post Equal Opportunity Housing posters in the reception area of the DHNP
  Include equal housing opportunity language "on the Section 8 voucher Program application, and the Section 8 Preliminary application, and to offer special accommodations to populations who so request one be made.
  To continue to enforce and educate owners/landlords Fair Housing policies

Other PHA Goals and Objectives: (list below)

To continue to enhance program operations and efficiencies through improving and expanding software and other automation

Annual PHA Plan
PHA Fiscal Year 2011
[24 CFR Part 903.7]

i. Annual Plan Type:
Select which type of Annual Plan the PHA will submit.

☒ **Standard Plan**

☐ **Troubled Agency Plan**

ii. Executive Summary of the Annual PHA Plan
[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.
Key Initiatives:

1) We have revised our comprehensive Administrative Plan which has detailed all of our policies and procedures with clarity for the use of the public and for improved processing from our housing specialists. This is revised annually and attached is our 2011 updated version as a support file.
2) We are continuing to utilize project-basing of vouchers to expand housing opportunities in two projects.
    a. South Bay Apartments provides 60 units of subsidized SRO housing to homeless individuals, in partnership with three other regional cities. It is at full occupancy and 6 units are Virginia Beach's.
    b. Heron Landing a SRO in Portsmouth is underway and is expected to come online with 8 Virginia Beach units.
3) Continue maintenance on the following project based programs:
    a. Cloverleaf Apartments, in which we have provided 44 units of subsidized SRO housing to homeless individuals, in partnership with three other regional cities who provide the other 16 units. It is at full occupancy
    b. VBCDC has implemented a scattered-site project-based program that will eventually provide subsidized housing for 40 very low income and/or homeless families. It is currently at 60% occupancy.
4) Expanded training for program staff to insure program knowledge and therefore compliance with requirements is optimized.
5) Implemented landlord and staff training in Fair Housing as required in order to insure compliance with these requirements.
6) We are enhancing access for households with Limited English Proficiency.
7) Completed implementation of Veterans Affairs Supportive Housing (VASH) program. Thirty-five (35) vouchers have been leased up and due to the expedition lease up we were awarded 25 additional vouchers which are in the leasing process.
8) Application has been made for the 32 VASH Project Based Vouchers program.
9) We have initiated major new initiatives to assist the homeless. These are funded through HOME, HPRP (stimulus) and private foundations. These along with our traditional HCV Programs provide a comprehensive approach to the provision of affordable subsidized housing.
10) We have upgraded our program software to Housing PRO.
11) A comprehensive quality control process continues to ensure compliance with SEMAP standards.

iii. Annual Plan Table of Contents

[24 CFR Part 903.7 9 (r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

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Attachments

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

Required Attachments:

- ☐ Admissions Policy for Deconcentration
- ☐ FY 2005 Capital Fund Program Annual Statement
- ☐ Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)
- ☒ List of Resident Advisory Board Members
- ☐ List of Resident Board Member
- ☐ Community Service Description of Implementation
- ☐ Information on Pet Policy
- ☐ Section 8 Homeownership Capacity Statement, if applicable
- ☐ Description of Homeownership Programs, if applicable

Optional Attachments:

PHA Management Organizational Chart

☐ FY 2005 Capital Fund Program 5 Year Action Plan

☐ Public Housing Drug Elimination Program (PHDEP) Plan

☒ Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)

☐ Other (List below, providing each attachment name)

Supporting Documents Available for Review

Indicate which documents are available for public review by placing a mark in the "Applicable & On Display" column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Applicable Plan Component**
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	Annual Plans
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI))) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/*99 Quality Housing and Work Responsibility Act Initial Guidance; Notice* and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Applicable Plan Component**
	Public housing rent determination policies, including the methodology for setting public housing flat rents ☐ check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development ☐ check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies ☒ check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
	Public housing grievance procedures ☐ check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures ☒ check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program ☐ check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U. S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	9,190	5	5	4	3	2	3
Income >30% but <=50% of AMI	10,670	5	5	4	3	3	3
Income >50% but <80% of AMI	24,100	4	3	4	4	2	
Elderly	N/A	4	4	4	3	2	3
Families with Disabilities	N/A	4	4	4	3	3	3
Race/Ethnicity	N/A						
Race/Ethnicity							
Race/Ethnicity							
Race/Ethnicity							

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

X Consolidated Plan of the Jurisdiction/s*
Indicate year: 2008
☐ U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
☐ American Housing Survey data
Indicate year:
☐ Other housing market study
Indicate year:
X Other sources: (list and indicate year of information)
American community Survey – 2006

*** The City of Virginia Beach Consolidated Plan presents a detailed analysis of housing needs for low income and special needs populations.. This includes issues of affordability, supply, quality, accessibility, unit size, location . The Consolidated Plan is on file at our office and has been submitted to HUD. The housing analysis and statistics portion of the Plan is available for pubic inspection at our office located at 2424 Courthouse Drive, Virginia Beach, VA. All other documents referenced in the 2009 Agency Plan are also on display at this office.**

B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

State the housing needs of the families on the PHA's waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one) ☒ Section 8 tenant-based assistance ☐ Public Housing ☐ Combined Section 8 and Public Housing ☐ Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	546		Varies due to purging frequency
Extremely low			

Housing Needs of Families on the Waiting List			
income <=30% AMI	376	63.95%	
Very low income (>30% but <=50% AMI)	72	30.79%	
Low income (>50% but <80% AMI)	98	5.26%	
Families with children	479	87.9%	
Elderly families	3	.50%	
Families with Disabilities	0	0%	
Race/ethnicity Blk	477	87.5%	
Race/ethnicity Wht	51	9.4%	
Race/ethnicity Asian	2	.35%	
Race/ethnicity Indian	1	.2%	
Race/ethnicity Hawiian/Pac. Isl	3	.5%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			

Is the waiting list closed (select one)? ☐ No ☒ Yes

If yes:

How long has it been closed (# of months)? 36

Does the PHA expect to reopen the list in the PHA Plan year? X No Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed? ☐ No ☒ Yes (Only on a limited basis)

C. Strategy for Addressing 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**, and the Agency's reasons for choosing this strategy.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

Select all that apply

- ☐ Employ effective maintenance and management policies to minimize the number of public housing units off-line
- ☐ Reduce turnover time for vacated public housing units
- ☐ Reduce time to renovate public housing units
- ☐ Seek replacement of public housing units lost to the inventory through mixed finance development
- ☐ Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- ☐ Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- ☐ Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- ☒ Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- ☒ Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- ☒ Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- ☐ Other (list below)

Strategy 2: Increase the number of affordable housing units by:

Select all that apply

- ☒ Apply for additional section 8 units should they become available
- ☒ Leverage affordable housing resources in the community through the creation of mixed - finance housing
- ☒ Pursue housing resources other than public housing or Section 8 tenant-based assistance. Local grant finding and creative use of TBRA Program and the Emergency Shelter Grant stimulus funding.
- ☒ Other: (list below)

  Continue ongoing interactions with local builders, developers, finance providers, non profit organizations and City council members to promote awareness of the needs for an increase of affordable housing units.

Need: Specific Family Types: Families at or below 30% of median

Strategy 1: Target available assistance to families at or below 30 % of AMI

Select all that apply

☐ Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
☐ Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
☐ Employ admissions preferences aimed at families with economic hardships
☒ Adopt rent policies to support and encourage work
☐ Other: (list below)

Need: Specific Family Types: Families at or below 50% of median

Strategy 1: Target available assistance to families at or below 50% of AMI
Select all that apply

☐ Employ admissions preferences aimed at families who are working
☒ Adopt rent policies to support and encourage work
☐ Other: (list below)

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:
Select all that apply

☐ Seek designation of public housing for the elderly
☒ Apply for special-purpose vouchers targeted to the elderly, should they become available
☐ Other: (list below)

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:
Select all that apply

☐ Seek designation of public housing for families with disabilities
☐ Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
☒ Apply for special-purpose vouchers targeted to families with disabilities, should they become available
☒ Affirmatively market to local non-profit agencies that assist families with disabilities
☐ Other: (list below)

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:

Select if applicable

☒ Affirmatively market to races/ethnicities shown to have disproportionate housing needs
☐ Other: (list below)

Strategy 2: Conduct activities to affirmatively further fair housing
Select all that apply

☒ Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
☒ Market the section 8 program to owners outside of areas of poverty /minority concentrations
X Other: (list below) Provide required training in fair Housing to all new and existing landlords.

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies
Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

☒ Funding constraints
☒ Staffing constraints
☐ Limited availability of sites for assisted housing
☒ Extent to which particular housing needs are met by other organizations in the community
☒ Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
☒ Influence of the housing market on PHA programs
☒ Community priorities regarding housing assistance
☒ Results of consultation with local or state government
☒ Results of consultation with residents and the Resident Advisory Board
☒ Results of consultation with advocacy groups
☐ Other: (list below)

2. Sta Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]
List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses

Sources	Planned $	Planned Uses
1. **Federal Grants (FY 2010/11 grants)**		
a) Public Housing Operating Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	15,103,381	Assistance to tenants: Estimated HCV Funds
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant		
i) HOME	160,000	TBRA Program to help homeless families
Other Federal Grants (list below)		
Section 8 Operating Funds	1,473,720	Administration/ Operations: includes $1,425,525 estimated HCV Admin Funds, $48,195 HCV Admin Fund Balance
Mod Rehab Program ACC	110,664	SRO2 & SRO3 Funds
Portability Program funds	225,000	Portability Program Billed vouchers
VASH Vouchers	152,179	VASH Program Vouchers
2. Prior Year Federal Grants (unobligated funds only) (list below)		
3. Public Housing Dwelling Rental Income		
4. Possible Emergency Shelter Grant Funds		
5. Other income (list below)		
Interest Income	10,165	8,132 for HCV Voucher HAP; 2,033 Admin/Operations

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
Fraud Recovery Funds	30,000	15,000 to HCV Voucher HAP; 15,000 to HCV Admin/ Operations
Portability Admin Fees	15,000	HCV Admin/ Operations
Mod Rehab (SRO) Admin Funds	13,098	SRO Admin/Operations
6. Non-federal sources (list below)		
City Funds	$75,687	City Contribution toward Admin/ Operations
Total resources	17,368,894	

* Projections due to unknown amount of funds in 2011-12. This is because of no approved HUD funding bill at time of Plan update.

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- ☐ When families are within a certain number of being offered a unit: (state number)
- ☐ When families are within a certain time of being offered a unit: (state time)
- ☐ Other: (describe)

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

- ☐ Criminal or Drug-related activity
- ☐ Rental history

☐ Housekeeping
☐ Other (describe)

c. ☐ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
d. ☐ Yes ☐ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
e. ☐ Yes ☐ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

(2)Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)
☐ Community-wide list
☐ Sub-jurisdictional lists
☐ Site-based waiting lists
☐ Other (describe)

b. Where may interested persons apply for admission to public housing?
☐ PHA main administrative office
☐ PHA development site management office
☐ Other (list below)

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

2. ☐ Yes ☐ No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?
If yes, how many lists?

3. ☐ Yes ☐ No: May families be on more than one list simultaneously
If yes, how many lists?

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
☐ PHA main administrative office
☐ All PHA development management offices
☐ Management offices at developments with site-based waiting lists
☐ At the development to which they would like to apply

☐ Other (list below)

(3) Assignment

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

☐ One
☐ Two
☐ Three or More

b. ☐ Yes ☐ No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

a. Income targeting:

☐ Yes ☐ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

☐ Emergencies
☐ Overhoused
☐ Underhoused
☐ Medical justification
☐ Administrative reasons determined by the PHA (e.g., to permit modernization work)
☐ Resident choice: (state circumstances below)
☐ Other: (list below)

c. Preferences

1. ☐ Yes ☐ No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection **(5) Occupancy**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
☐ Victims of domestic violence

☐ Substandard housing
☐ Homelessness
☐ High rent burden (rent is > 50 percent of income)

Other preferences: (select below)
☐ Working families and those unable to work because of age or disability
☐ Veterans and veterans' families
☐ Residents who live and/or work in the jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☐ Other preference(s) (list below)

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

Date and Time

Former Federal preferences:
Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
Victims of domestic violence
Substandard housing
Homelessness
High rent burden

Other preferences (select all that apply)
☐ Working families and those unable to work because of age or disability
☐ Veterans and veterans' families
☐ Residents who live and/or work in the jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☐ Other preference(s) (list below)

4. Relationship of preferences to income targeting requirements:
☐ The PHA applies preferences within income tiers

☐ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Occupancy

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

☐ The PHA-resident lease
☐ The PHA's Admissions and (Continued) Occupancy policy
☐ PHA briefing seminars or written materials
☐ Other source (list)

b. How often must residents notify the PHA of changes in family composition? (select all that apply)

☐ At an annual reexamination and lease renewal
☐ Any time family composition changes
☐ At family request for revision
☐ Other (list)

(6) Deconcentration and Income Mixing

a. ☐ Yes ☐ No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b. ☐ Yes ☐ No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply)

☐ Adoption of site-based waiting lists
If selected, list targeted developments below:

☐ Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments
If selected, list targeted developments below:

☐ Employing new admission preferences at targeted developments
If selected, list targeted developments below:

☐ Other (list policies and developments targeted below)

d. ☐ Yes ☐ No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

☐ Additional affirmative marketing
☐ Actions to improve the marketability of certain developments
☐ Adoption or adjustment of ceiling rents for certain developments
☐ Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
☐ Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)
☐ Not applicable: results of analysis did not indicate a need for such efforts
☐ List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)
☐ Not applicable: results of analysis did not indicate a need for such efforts
☐ List (any applicable) developments below:

B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)
☐ Criminal or drug-related activity only to the extent required by law or regulation
☒ Criminal and drug-related activity, more extensively than required by law or regulation
☒ More general screening than criminal and drug-related activity (list factors below)
Utility screenings are conducted on all new applicants prior to voucher issuances to confirm that the family is able to have tenant provided utilities connected prior to any HAP commitments.
☒ Other (list below)
Check to see if applicant received Section 8 assistance in the past.

b. ☒ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

c. ☒ Yes ☐ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

d. ☒ Yes ☐ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

e. Indicate what kinds of information you share with prospective landlords? (select all that apply)

☒ Criminal or drug-related activity: Such information is provided only when it affects prohibition from program participation. Detailed information is not provided.

☐ Other (describe below)

(2) Waiting List Organization

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)

☒ None
☐ Federal public housing
☐ Federal moderate rehabilitation
☐ Federal project-based certificate program
☐ Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)

X PHA main administrative office
☒ Other (list below)

When the Waiting List is open, interested parties may also obtain application forms from the local Department of Human Services, local libraries, and through the Internet at the City's website.

(3) Search Time

a. ☒ Yes ☐ No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:
Any extensions are considered on a case by case basis. Both applicants and participants are advised that they must make requests for the extension of their vouchers verbally (if unable to make in writing) or in writing, and are further advised that for extension requests to be considered they must be submitted prior to the stated ending date on initial voucher.

(4) Admissions Preferences

a. Income targeting

☐ Yes ☒ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
X Victims of domestic violence
☐ Substandard housing
X Homelessness
☐ High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

X Working families and those unable to work because of age or disability
X Veterans and veterans' families
X Residents who live and/or work in your jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☐ Other preference(s) (list below)

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

Date and Time

Former Federal preferences

Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)

2 Victims of domestic violence

Substandard housing

1 Homelessness

High rent burden

Other preferences (select all that apply)

3 Working families and those unable to work because of age or disability

4 Veterans and veterans' families

5 Residents who live and/or work in your jurisdiction

☐ Those enrolled currently in educational, training, or upward mobility programs

☐ Households that contribute to meeting income goals (broad range of incomes)

☐ Households that contribute to meeting income requirements (targeting)

☐ Those previously enrolled in educational, training, or upward mobility programs

☐ Victims of reprisals or hate crimes

☐ Other preference(s) (list below)

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

X Date and time of application

Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)

☒ This preference has previously been reviewed and approved by HUD

☐ The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

☒ The PHA applies preferences within income tiers

☐ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

☒ The Section 8 Administrative Plan
☒ Briefing sessions and written materials
☐ Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?
☒ Through published notices
☒ Other (list below)
Written notification to identified stakeholders

4. PHA Rent Determination Policies
[24 CFR Part 903.7 9 (d)]

A. Public Housing
Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

(1) Income Based Rent Policies
Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

☐ The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

☐ The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)
☐ $0
☐ $1-$25
☐ $26-$50

2. ☐ Yes ☐ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

c. Rents set at less than 30% than adjusted income

1. ☐ Yes ☐ No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

☐ For the earned income of a previously unemployed household member
☐ For increases in earned income
☐ Fixed amount (other than general rent-setting policy)
If yes, state amount/s and circumstances below:

☐ Fixed percentage (other than general rent-setting policy)
If yes, state percentage/s and circumstances below:

☐ For household heads
☐ For other family members
☐ For transportation expenses
☐ For the non-reimbursed medical expenses of non-disabled or non-elderly families
☐ Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)

☐ Yes for all developments
☐ Yes but only for some developments
☐ No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

☐ For all developments

☐ For all general occupancy developments (not elderly or disabled or elderly only)
☐ For specified general occupancy developments
☐ For certain parts of developments; e.g., the high-rise portion
☐ For certain size units; e.g., larger bedroom sizes
☐ Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

☐ Market comparability study
☐ Fair market rents (FMR)
☐ 95th percentile rents
☐ 75 percent of operating costs
☐ 100 percent of operating costs for general occupancy (family) developments
☐ Operating costs plus debt service
☐ The "rental value" of the unit
☐ Other (list below)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

☐ Never
☐ At family option
☐ Any time the family experiences an income increase
☐ Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)_____
☐ Other (list below)

g. ☐ Yes ☐ No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

(2) Flat Rents

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

☐ The section 8 rent reasonableness study of comparable housing
☐ Survey of rents listed in local newspaper
☐ Survey of similar unassisted units in the neighborhood
☐ Other (list/describe below)

B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Payment Standards

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)

☐ At or above 90% but below100% of FMR
☐ 100% of FMR
X Above 100% but at or below 110% of FMR
☐ Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

☐ FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
☐ The PHA has chosen to serve additional families by lowering the payment standard
☐ Reflects market or submarket
☐ Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

X FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
X Reflects market or submarket
X To increase housing options for families
☐ Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

☐ Annually
☒ Other (list below)

Re-evaluation is also considered and implemented on an "as needed" basis during any time of the year.

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

☒ Success rates of assisted families

☐ Rent burdens of assisted families

☐ Other (list below)

(2) Minimum Rent

a. What amount best reflects the PHA's minimum rent? (select one)

☐ $0

☐ $1-$25

☒ $26-$50

b. ☒ Yes ☐ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

In Administrative Plan

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

A. PHA Management Structure

Describe the PHA's management structure and organization.

(select one)

☐ An organization chart showing the PHA's management structure and organization is attached.

☒ A brief description of the management structure and organization of the PHA follows:

The DHNP is comprised of approximately seventy (70) staff with four (4) distinct Divisions as follows: Administration, Housing Development, Code Enforcement, and Rental Housing. The Department Director is Andrew Friedman. The Rental Housing Division is managed by a Housing program Administrator. There are fourteen (16) full time staff in the Rental Housing Division 9this includes clerical employees)

B. HUD Programs Under PHA Management

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

Program Name	**Units or Families Served at Year Beginning**	**Expected Turnover**
Public Housing		
Section 8 Vouchers	1,867 (per VMS)	90 (net increase needed to ensure proper budget authority utilization)
Section 8 Certificates		
Section 8 Mod Rehab	16	2
Special Purpose Section 8 Certificates/Vouchers (list individually)		
Public Housing Drug Elimination Program (PHDEP)		
Other Federal Programs(list individually)		
HOME funds – TBRA Program for homeless families	9	25
* At the time of plan development there was also the possible use of ESG funds for vouchers. If received a program will be developed to assist homeless families. An approximate total is given.	0	50-75

C. Management and Maintenance Policies

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

(1) Public Housing Maintenance and Management: (list below)

(2) Section 8 Management: (list below)

Housing Choice Voucher Administrative Plan

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

A. Public Housing

1. ☐ Yes ☐ No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

☐ PHA main administrative office
☐ PHA development management offices
☐ Other (list below)

B. Section 8 Tenant-Based Assistance

1. ☒ Yes ☐ No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:
In Informal hearings, DHNP Division Manager's or (their Supervisory designees) or trained Supervisors from the Virginia Beach Department of Human Services serve as hearing Officers. A representative from the Section Management staff also participates at all Informal Hearings.

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)

☒ PHA main administrative office

☐ Other (list below)

7. Capital Improvement Needs - Not Applicable

[24 CFR Part 903.7 9 (g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

A. Capital Fund Activities

Exemptions from sub-component 7A: PHAs that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

(1) Capital Fund Program Annual Statement

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure long-term physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one:

☐ The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

☐ The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

(2) Optional 5-Year Action Plan

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5 Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

a. ☐ Yes ☐ No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund? (if no, skip to sub-component 7B)

b. If yes to question a, select one:

☐ The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name

-or-

☐ The Capital Fund Program 5-Year Action Plan is provided below: (if selected, copy the CFP optional 5 Year Action Plan from the Table Library and insert here)

B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

☐ Yes ☐ No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)

1. Development name:
2. Development (project) number:
3. Status of grant: (select the statement that best describes the current status)
   - ☐ Revitalization Plan under development
   - ☐ Revitalization Plan submitted, pending approval
   - ☐ Revitalization Plan approved
   - ☐ Activities pursuant to an approved Revitalization Plan underway

☐ Yes ☐ No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name/s below:

☐ Yes ☐ No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?
If yes, list developments or activities below:

☐ Yes ☐ No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?
If yes, list developments or activities below:

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]
Applicability of component 8: Section 8 only PHAs are not required to complete this section.

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

2. Activity Description

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

Demolition/Disposition Activity Description
1a. Development name: 1b. Development (project) number:
2. Activity type: Demolition ☐ Disposition ☐
3. Application status (select one) Approved ☐ Submitted, pending approval ☐ Planned application ☐
4. Date application approved, submitted, or planned for submission: (DD/MM/YY)
5. Number of units affected: 6. Coverage of action (select one) ☐ Part of the development ☐ Total development
7. Timeline for activity: a. Actual or projected start date of activity: b. Projected end date of activity:

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

[24 CFR Part 903.7 9 (i)]
Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1. ☐ Yes ☐ No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities

or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If "No", skip to component 10. If "yes", complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

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

Designation of Public Housing Activity Description
1a. Development name: 1b. Development (project) number:
2. Designation type: Occupancy by only the elderly ☐ Occupancy by families with disabilities ☐ Occupancy by only elderly families and families with disabilities ☐
3. Application status (select one) Approved; included in the PHA's Designation Plan ☐ Submitted, pending approval ☐ Planned application ☐
4. Date this designation approved, submitted, or planned for submission: (DD/MM/YY)
5. If approved, will this designation constitute a (select one) ☐ New Designation Plan ☐ Revision of a previously-approved Designation Plan?
6. Number of units affected: 7. Coverage of action (select one) ☐ Part of the development ☐ Total development

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

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

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

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

2. Activity Description

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

Conversion of Public Housing Activity Description
1a. Development name: 1b. Development (project) number:
2. What is the status of the required assessment? ☐ Assessment underway ☐ Assessment results submitted to HUD ☐ Assessment results approved by HUD (if marked, proceed to next question) ☐ Other (explain below)
3. ☐ Yes ☐ No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)
4. Status of Conversion Plan (select the statement that best describes the current status) ☐ Conversion Plan in development ☐ Conversion Plan submitted to HUD on: (DD/MM/YYYY) ☐ Conversion Plan approved by HUD on: (DD/MM/YYYY) ☐ Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one) ☐ Units addressed in a pending or approved demolition application (date submitted or approved: ☐ Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved:) ☐ Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved:) ☐ Requirements no longer applicable: vacancy rates are less than 10 percent ☐ Requirements no longer applicable: site now has less than 300 units ☐ Other: (describe below)

B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937

C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

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

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

2. Activity Description

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

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: ☐ HOPE I ☐ 5(h) ☐ Turnkey III ☐ Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one)

☐ Approved; included in the PHA's Homeownership Plan/Program ☐ Submitted, pending approval ☐ Planned application	
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)	
5. Number of units affected: 6. Coverage of action: (select one) ☐ Part of the development ☐ Total development	

B. Section 8 Tenant Based Assistance

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

2. Program Description:

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

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

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (l)]
Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

☒ Yes ☐ No: Has the PHA has entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? 07/01/2010

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

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

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

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

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

b. Economic and Social self-sufficiency programs

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

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
HOME OWNERSHIP PROGRAM	*35*	*Based on households capability to purchase a home*	*DHNP Main Office*	*Section 8 and other low moderate income households in the City*
FSS SEMINARS	*50*	*Section 8 participants*	*DHNP Main Office/Virginia Tech - Cooperative Extension*	*Section 8*

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2005 Estimate)	Actual Number of Participants (As of: 04/01/2008)
Public Housing		
Section 8	6	38

b. ☐ Yes ☐ No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address

the steps the PHA plans to take to achieve at least the minimum program size?
If no, list steps the PHA will take below:

C. Welfare Benefit Reductions

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

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

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

13. PHA Safety and Crime Prevention Measures

[24 CFR Part 903.7 9 (m)]
Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

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

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

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

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

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

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

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

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

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

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

C. Coordination between PHA and the police

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

- ☐ Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- ☐ Police provide crime data to housing authority staff for analysis and action
- ☐ Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- ☐ Police regularly testify in and otherwise support eviction cases
- ☐ Police regularly meet with the PHA management and residents

☐ Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
☐ Other activities (list below)
2. Which developments are most affected? (list below)

D. Additional information as required by PHDEP/PHDEP Plan
PHAs eligible for FY 2005 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

☐ Yes ☐ No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
☐ Yes ☐ No: Has the PHA included the PHDEP Plan for FY 2005 in this PHA Plan?
☐ Yes ☐ No: This PHDEP Plan is an Attachment. (Attachment Filename: ___)

14. RESERVED FOR PET POLICY
[24 CFR Part 903.7 9 (n)]

15. Civil Rights Certifications
[24 CFR Part 903.7 9 (o)]

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

16. Fiscal Audit
[24 CFR Part 903.7 9 (p)]

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

17. PHA Asset Management
[24 CFR Part 903.7 9 (q)]

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

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

2. What types of asset management activities will the PHA undertake? (select all that apply)

☐ Not applicable
☐ Private management
☐ Development-based accounting
☐ Comprehensive stock assessment
☐ Other: (list below)

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

18. Other Information

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

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

2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)

X Attached at Attachment (File name) **Support File #5**

3. In what manner did the PHA address those comments? (select all that apply)

X Considered comments, but determined that no changes to the PHA Plan were necessary.
The PHA changed portions of the PHA Plan in response to comments
List changes below:

Other: (list below)

CITY OF VIRGINIA BEACH
HOUSING CHOICE VOUCHER/SECTION 8 PROGRAM
RESIDENT ADVISORY BOARD

NAME & ADDRESS	TITLE
SECTION 8 STAFF	
Candace Bowser Dept of Housing	Section 8 Acting Administrator
Kimberly Jernigan Dept of Housing	Section 8 Acting Coordinator
Rokel Tabb Dept of Housing	Administrative Assistant
BOARD MEMBERS	
Carolyn Hightower 1029 College Park Blvd, #262 Virginia Beach, VA 23464	Board Member
Debra Grant 5636 Dodington Court Virginia Beach, VA 23462	Co-Head- Board Member
Esther Anderson 1025 College Park Blvd, #117 Virginia Beach, VA 23464	Board Member
Mark Renwick 201 Shortleaf Court, #102 Virginia Beach, VA 23452	Co-Head-Board Member
Harold Barksdale 964 S. Military Hwy, #119 Virginia Beach, VA 23464	Board Member
Linda Ritter 4121 Country Club Circle Virginia Beach, VA 23455	Board Member
Patricia Mock 4837 Old Wick Court Virginia Beach, VA 23462	Board Member
Sylvia Andrews 1033 College Park Blvd, #373 Virginia Beach, VA 23464	Board Member
Traci Brower 3229 Lakecrest Dr. Virginia Beach, VA 23452	Board Member
Ebony Parsons 5505 Old Guard Crescent Virginia Beach, VA 23462	Board Member

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

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

Section 8 only and is a department in the municipal government.

2. Yes No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

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

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

b. Eligible candidates: (select one)

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

c. Eligible voters: (select all that apply)

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

C. Statement of Consistency with the Consolidated Plan

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

1. Consolidated Plan jurisdiction:
   City of Virginia Beach

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

- ☒ The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- ☒ The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- ☒ The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- ☐ Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)

☐ Other: (list below)

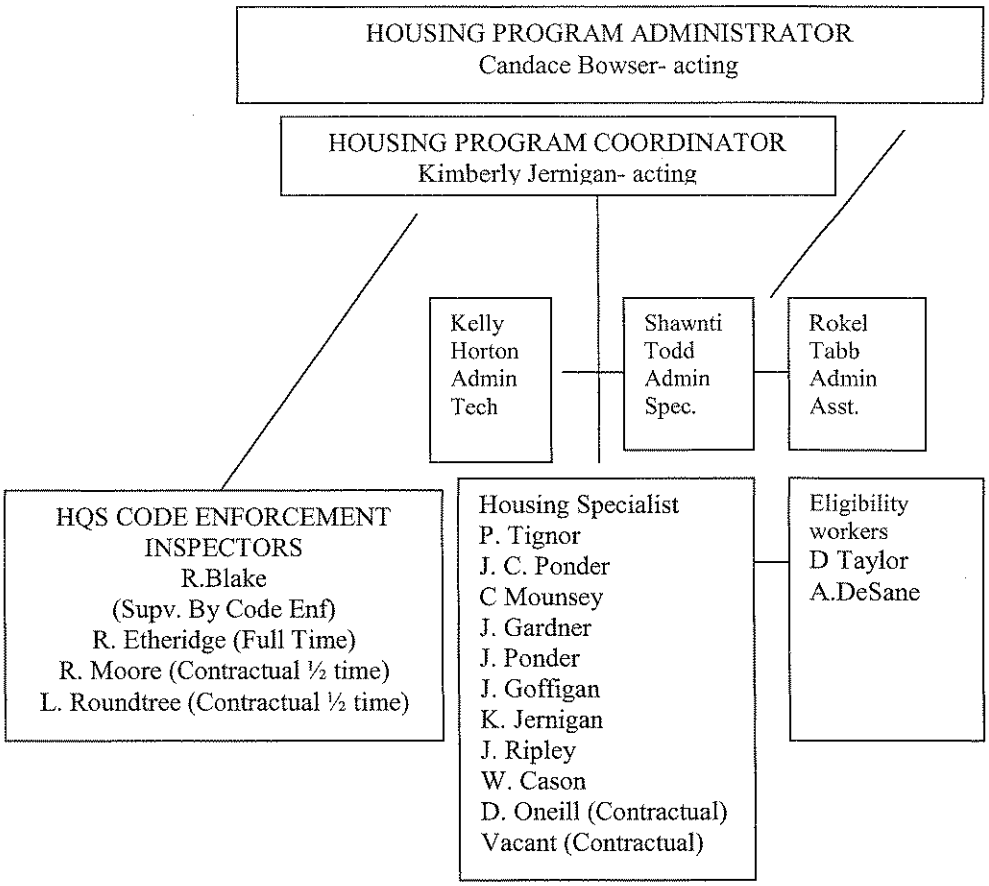
4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

D. Other Information Required by HUD

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

Any other information is included in attached files

DEPARTMENT OF HOUSING & NEIGHBORHOOD PRESERVATION
SECTION 8 ORGANIZATIONAL CHART



SUPPORT FILE # 4
CITY OF VIRGINIA BEACH
2011 ANNUAL AGENCY PLAN:

REPORTS ON PROGRESS MEETING
MISSION AND GOALS
AND
STATEMENT ON SIGNIFICANT
AMENDMENTS
AND/OR
SUBSTANTIAL MODIFICATIONS OR DEVIATIONS

Summary of Progress in Meeting Strategic Goals :

The Virginia Beach Department of Housing and Neighborhood Preservation (VBDHNP) has made substantial progress in achieving the strategic goals outlined in our Five Year Plan.

Goal – Expand the supply of assisted housing

During the past year VBDHNP has partnered with its regional cities to open an additional SRO for homeless individuals. South Bay apartments in Portsmouth provides 60 units which 6 are Virginia Beach's. It is at full occupancy. Heron Landing Apartments a SRO in Chesapeake is underway and is expected to come online with 8 virginia Beach units. We have received an additional 25 VASH vouchers which are in the process of lease-up. VBCDC completed 15 units of project-based housing for homeless families. We have submitted an application for funding for 32 VASH Project Based Vouchers.

Goal – Improve the quality of assisted housing

DHNP has insured the quality of assisted housing by insuring ongoing, timely inspections, and by conducting required quality-control inspections. We are diligently working to maintain our high performer SEMAP ranking.

Goal – Increase assisted housing choices

Our housing broker continues to assist clients in finding quality affordable housing. VBDHNP continues to provide proactive housing counseling service to help broaden housing choices for clients and provide direct housing assistance to homeless individuals and families through HPRP, HOME funds and a grant from a foundation.

Goal – Improve community quality of life and economic vitality

The Rental Housing Division of VBDHNP continued to work closely with the municipality's Code Enforcement Division to improve the conditions in the various neighborhoods within which our clients live.

Goal – Promote self-sufficiency and asset development of assisted households

We have an active Family Self Sufficiency Program and encourage our clients to participate in our Family Self Sufficiency seminars. Our FSS Program has expanded to 40 families we are actively trying to increase our size to 75 families. We expect this program to continue to grow in 2011-2012.

Goal – Ensure equal opportunity in housing for all

VBDHNP continues to operate an aggressive fair housing program. All staff and all landlords are required to attend annual certification training.

Goal – Improve efficiency through continued improvement in software and automation

VBDHNP's HUD-approved software continues to provide our rent reasonableness data and to do our utility allowance analysis. This will result in cost savings and greater accuracy in computing payments for our clients. We also have upgraded the software for HCV operations to Housing PRO from the Happy Company.

Other accomplishments during the year:

- Improved utilization monitoring and achieved target of 98% use of budget authority and in excess of 98% leasing.
- Amended the Administrative Plan
- Reorganize the Rental Housing Division to include personnel involved with the delivery of assistance to the homeless.
- Implemented initiatives to reduce homelessness in Virginia Beach including case management.
- Adopted a new housing preference system to target disadvantaged families and to help ensure they receive assistance
- Continue to issue vouchers.
- Improve program monitoring.

There were no Significant Modifications during the Program Year

SUPPORT FILE # 5
CITY OF VIRGINIA BEACH
2011 ANNUAL AGENCY PLAN:

EVIDENCE OF PUBLIC ADVERTISEMENT
AND ANY PUBLIC COMMENTS
AND/OR COMMENTS BY THE
RESIDENT ADVISORY BOARD

City of Virginia Beach
Dept. of Housing & Neighborhood Preservation (DHNP)
Housing Choice Voucher Program (Section 8)

NOTICE OF PUBLIC HEARING

2011 Annual Agency Plan & Administrative Plan Revision

The City of Virginia Beach Department of Housing & Neighborhood Preservation will hold a public hearing on **March 22, 2011, at 6 p.m.** to allow the general public to provide comments on the Annual Agency Plan and on proposed revisions to the Administrative Plan. The plans describe the Housing Choice Voucher Program (Section 8) operations in Virginia Beach. The hearing will be held at DHNP, 2424 Courthouse Dr., Bldg. 18A, Municipal Center, Virginia Beach, VA 23456.

The draft Annual Agency Plan and Administrative Plan revisions will be made available for review at DHNP beginning March 10, 2011, during the hours of 8:30 a.m. to 5 p.m., Mon. through Fri. If you cannot attend the public hearing, you may submit comments by writing to DHNP at the address listed above, emailing cbowser@vbgov.com or by fax to (757) 385-5766. For more information, call Candace Bowser, Acting Rental Housing Administrator, at (757) 385-5740 or (757) 385-5794 (TDD for the hearing impaired).

DHNP DOES BUSINESS IN ACCORDANCE WITH THE FEDERAL FAIR HOUSING LAW AND SECTION 504 PROGRAM ACCESSIBILITY REQUIREMENTS. DHNP COMPLIES WITH THE FAIR HOUSING ACT AND PROVIDES REASONABLE ACCOMMODATIONS AND MODIFICATIONS TO PERSONS WITH DISABILITIES. DHNP DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, SEX, DISABILITY, FAMILIAL STATUS, OR NATIONAL ORIGIN IN ADMISSION OR ACCESS TO ITS PROGRAMS.

REACH AND BELIEVE

Issue 22

THE NEWSLETTER OF THE RESIDENT ADVISORY BOARD

FOR THE HOUSING CHOICE VOUCHER PROGRAM (SECTION 8) OF THE CITY OF VIRGINIA BEACH
DEPARTMENT OF HOUSING AND NEIGHBORHOOD PRESERVATION (DHNP)

Families Can Benefit from Food Program

How Women, Infants, and Children Program Helps

Being pregnant or breastfeeding a baby is a big job. The Special Supplemental Food Program for Women, Infants, and Children (WIC) can help. The WIC Program's objective is to prevent the occurrence of health problems and improve the health status of those served. The program can help pregnant, breastfeeding or post-partum women, infants, and children in low-income or no-income families. WIC will provide, at no cost, nutritious foods to supplement their diet, information on healthy eating and referrals for health care.

WIC provides short-term benefits for participants during critical times of growth and development. It teaches how to choose and prepare nutritious and affordable foods.

An applicant must qualify financially and nutritionally to receive WIC benefits. In order to determine eligibility, the applicant must provide proof of income and have a gross income within the income guideline set by the USDA.

Medical referral forms are available at the WIC office for completion by the medical facility. If medical information is not available from a military facility, the applicant's height, weight and blood-work will be completed at the WIC office at the time of the appointment.

Please call one of the Virginia Beach WIC offices listed below for more information and to schedule an appointment:

Pembroke
4452 Corporation Lane
(757) 518-2789

Green Run
4080 Foxwood Drive
(757) 424-9970

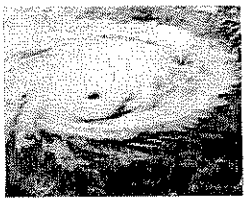
Norfolk Avenue
1091 Norfolk Avenue
(757) 491-5183

Oceana
NAS Oceana Bldg. 531
(757) 491-5928

June - November is Hurricane Season... Are You Ready?

Hurricane season is here. Since most hurricanes and tropical storms affecting Virginia Beach occur in August - October, now is the time to make sure your family is prepared by taking some disaster pre-planning steps:

- Discuss your family's plans for a disaster
- Those with special medical needs must take additional precautions in planning for an emergency
- Those living in flood prone, low-lying areas, or mobile homes should consider evacuation
- Have an emergency supply kit (see "Disaster Supplies Kit" on page 2)
- Identify an out-of-state relative or friend to serve as a "family contact."



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Event Raises Thousands for Homeless 4

NEXT RAB MEETING:

Tuesday, Sept. 28, 2010
5:30 to 7 p.m.
Housing & Neighborhood Preservation Conference Room
2424 Courthouse Drive, Bldg. 18A
Virginia Beach, VA 23456
*To receive a copy of the notes from the last meeting, please call 385-5750.

Reach and Believe is produced by DHNP on behalf of the RAB.

Jasmin Ciesielski, Editor

Please send your comments or suggestions to Rokel Tabb at rtabb@vbgov.com or write to: RAB Newsletter, DHNP, Municipal Center, Bldg. 18A, 2424 Courthouse Drive, Virginia Beach, VA 23456

Questions? Call 385-5750 or 385-5794 (TDD machine for the hearing impaired)

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Make sure everyone in the family knows the name, address, and phone number of the contact.
- Learn the storm tide history and elevation of your area to determine if evacuation would be necessary
- Make provisions for pets in case of evacuation, as they are not allowed in public shelters
- Identify other alternative shelters such as relatives or friends
- Review the status of your flood, home, and automobile insurance coverage, list and take photographs of your property
- If you have a disability or have problems taking care of yourself, establish a support group using family, friends, or neighbors who can help you during an emergency
- Medical needs: make sure to have enough medications and supplies to last you at least two weeks

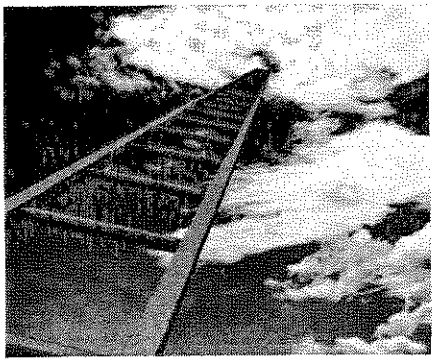
Help minimize the dangers of a hurricane to you and your family. Learn more about emergency preparedness and what to do before, during and after a storm online at www.VBgov.com/hurricane.
(From the City of Virginia Beach "Hurricane Preparedness" brochure)

Disaster Supplies Kit

(Keep enough supplies in your homes to meet your needs for at least 3-5 days)

- Water supply (one gallon per person per day)
- Food supply (easy to prepare non-perishable)
- First aid kit, including family members' prescription medications
- Battery-powered radio, flashlight, extra batteries
- Change of clothing, footwear, blanket, and sleeping bag per person
- Quiet games, toys, books, cards, etc.
- Extra pair of glasses
- Extra set of car keys, credit card cash
- Special items for infants, elderly or disabled family members
- Sanitation supplies

Gain Financial Independence through Family Self-Sufficiency Program



Gain the tools, support and confidence to become self-sufficient through Housing and Neighborhood Preservation's Family Self-Sufficiency (FSS) Program. The program helps individuals receiving rental assistance through the Section 8 Housing Choice Voucher Program to overcome the barriers in achieving their financial independence. Our housing specialists work with program participants in identifying these barriers, setting goals and accessing resources. Families who enroll in the program receive homeownership counseling, the opportunity to establish an escrow account, job training and the education to help them gain economic independence and become self-sufficient.

To join the FSS Program, complete the interest form below, detach and mail it to:

City of Virginia Beach
Department of Housing and Neighborhood Preservation
Attn: FSS Program
Municipal Center - Building 18A
2424 Courthouse Drive
Virginia Beach, VA 23456

For more information, contact your housing specialist today!

Detach here

Family Self-Sufficiency (FSS) Program Interest Form

Yes! I am interested in the FSS Program. Please contact me about joining the program.

First Name _____ Last Name _____

Address _____ Apt./Suite # _____

City _____ State _____ Zip Code _____

Phone Number _____ Email Address _____

CITY OF VIRGINIA BEACH SECTION 8 PROGRAM
LANDLORD REFERRAL LIST

Portability Information: 757-385-1951

This list gives names, phone numbers and fax numbers of apartments and real estate agencies that are willing to lease to Section 8 participants. (*Elderly Only)

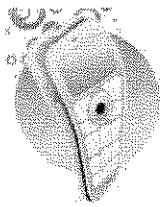
Apartments	Contact Person	Address / Zip Code	Phone #	Fax #
Aden Park	Cindy Rothschild	5161 Weaver Dr , 23462	497-0381/ 499-0950	
Albert Court	Debby Rife	4624 Albert Ct Apt 101, 23455	287-9925	497-0829
Apple Blossom	Ruth Sternlicht	1321 Linkhorn Cir Unit 205, 23451	425-1515	
Barberton	Terri Thompson	605 Barberton Dr, 23451	428-9167	428-2311
Berkshire Apartments	Tracy	301 Oakshire Drive, 23454	425-8530	
Bridle Creek Apartments	Eleesa James	1508 Halter Dr, 23464	495-2855	495-2940
Brookfield Apartments	Sharina Rice	1101 Craftsman Dr, 23464	420-7732	523-2497
Eastwick Village	Mike McQuaid	1201 Edenham Ct, 23464	366-0440	420-4789
Ebbetts Plaza	Lyndora Wynn	512 Feather Stone Ct, 23462	499-3965	
Greenlakes	Leasing Agent	6218 Greenlakes Dr, 23452	340-0542	
Hamptons	Sherry Smith	5781 Lake Edward Dr, 23462	490-0056	473-5580
Hilltop South	Mahaley	464 Lisa Square, 23454	425-1162	
Holland House *55+ only	Kathryn Perry	721 Chimney Hill Pkwy, 23462	498-9225	498-1198
Jamestown Commons *55+ only	Nancy Hendricks Kathy Amidon	1025 College Park Blvd, 23464	361-6900	321-0630
Kings Row	Joy Jackson	3020 Kings Row Court, 23452	340-1651	486-9500
Lynnhaven Cove *62+ only	Sharon Brinson	5020 Lynnhaven Parkway, 23464	467-4000	
Lynnhaven Landing	Amy Gonzalez	352 Fernwood Ct #101, 23454	486-4044	340-9323
Mayfair	Arlicia Collins	5026 Newtown Arch #103, 23462	499-8888	499-2157
Ocean Gate	Terry Newsome	1248 Nauticus Circle, 23454	422-6100	422-1473
Oconnee	Debby Rife	2565 Oconnee Ave, 23454	287-9925	497-0829
Perry Shores	Regina Jenkins	1801 Mediterranean Ave, 23451	437-5421	437-5421
Princess Anne Commons *62+only	Debbie	4924 Princess Anne Rd Ste 106, 23462	490-7001	200-3750
Ridgewood Club Apts	Tamara Long	4594 Wicklow Pl, 23452	499-5444	499-3096
Rosegate Apartments	Kelly	205 Rosegate Place, 23452	486-7317	486-2136
Sea Pines	Karen Henderson	952 Maximus Sq, 23451	425-7519	425-7491
Silver Hills @ Thalia *55+ only	Catherine Bashlor	4373 Bonney Rd, 23452	431-2290	222-0771
Sullivan House *62+ only	Cecile Shelton	2033 General Booth Blvd, 23454	563-9955	563-2992
Tallwood	Carole Crawford	5705 Schoolhouse Rd, 23464	502-5400	502-5402
Thalia Landing	Moniquekia Thompson	4101 Pine Oak Circle, 23452	306-0023	306-0098
Victoria Place *55+ only	Moniquekia Thompson	4629 Shore Dr, 23455	313-2323	

Company	Agent	Phone Number	Fax Number
Ameristar Realty	Elizabeth Taylor	498-4300	
Bee Realty	Doug Douglas	464-6000	464-6416
Century 21/Accord	Rental Department	523-2121	
Dick Kelly Real Estate	Bonnie Russell	480-2303	
Helfant Realty	Property Management	463-1300	498-1984
Krever Holdings	Jade	486-6686	
Prestige Realty	John Early	490-5978	
Real Estate Solutions	Daniel Acampora	490-9500	490-8640
Remax Allegiance		490-7300	499-3664
Shore Rental	Property Management	644-6824	644-6841
United Property Assoc	Property Management	499-5633	
VBCDC	Sherry Bender	463-9516	463-1382
William E. Wood	Sharon Whitehorn	499-5688	

www.housingconnect.org

Revised March 2010

DEPARTMENT OF HOUSING AND NEIGHBORHOOD PRESERVATION
MUNICIPAL CENTER, BUILDING 18A
2424 COURTHOUSE DRIVE
VIRGINIA BEACH, VA 23456-9083



Programs Provide Free Cell Phone Service to Eligible Customers

Two programs are available that provide free cell phone service to income-eligible customers. SafeLink Wireless is a government-supported program that provides a free cell phone and airtime each month. Assurance Wireless also offers a free cell phone and 200 minutes of wireless service monthly. Eligibility requirements apply. For details and to see if you qualify for each program, visit www.safelinkwireless.com and www.assurancewireless.com.

"Jammin' for Our Homeless" Raises Thousands for BEACH and Homeless

Together, the city, faith community, local businesses and nonprofit organizations raised more than $51,000, to benefit homeless and at-risk families and individuals in Virginia Beach by "Jammin' for Our Homeless." More than 250 people attended the fundraiser on June 4, at the Hilton Virginia Beach Oceanfront.

A study conducted for the region estimates that 4,300 people in Virginia Beach will experience an episode of homelessness in a given year. The event was an opportunity to rally community support in the fight to end homelessness in the city and draw more attention to this issue.

BEACH
Bringing an End to All City Homelessness

All proceeds from the event will go directly to BEACH -- "Bringing an End to All City Homelessness" -- a community partnership between citizens and faith, business, nonprofit and city organizations. The partnership seeks to better address homelessness through enhanced cooperation and communication, coordinated service delivery, resource development and new strategies.

For information about BEACH, visit www.beachcp.org

DHNP Rental Housing Specialists

Name	Title	Phone Number	E-mail Address
Candace Bowser	Housing Programs Coordinator	385-5740	cbowser@VBgov.com
Chrislyn Mounsey	Housing Specialist	385-5787	cmounsey@VBgov.com
Dorothy O'Neill	Housing Specialist	385-5749	doneill@VBgov.com
Janice Gardner	Housing Specialist	385-5781	jgardner@VBgov.com
Jefferey Ripley	Housing Specialist	385-5746	jeripley@VBgov.com
Jonjulie Ponder	Housing Specialist	385-5815	jcponder@VBgov.com
Joyce Goffigan	Housing Specialist	385-4708	jegoffig@VBgov.com
Julie Ponder	Housing Specialist	385-5758	jponder@VBgov.com
Laura Hackett	Housing Specialist	385-1664	lahacket@VBgov.com
Kimberly Jernigan	Housing Specialist	385-5769	kjerniga@VBgov.com
Patricia Crawford	Housing Specialist	385-5767	pcrawford@VBgov.com
Warnette Cason	Housing Specialist	385-5756	wcason@VBgov.com

City of Virginia Beach Department of Housing & Neighborhood Preservation
Housing Choice Voucher Program – Residents' Advisory Board (R.A.B)

AGENDA

Tuesday, March 22, 2011
5:30 p.m. – 7:00 p.m.

Location: Dept. of Housing (Bldg #18-A) Conference Room

Topics for Discussion:

- Review of Minutes
- Section 8 Division Update
- (2011) Administrative Plan Review
- (2011) Agency Plan Submission to HUD
- Agency Plan Public Hearing
- Comments/Concerns
- Adjournment

Note: Next RAB Meeting will be on Tuesday, June 21, 2011.

DEPARTMENT OF HOUSING & NEIGHBORHOOD PRESERVATION
HOUSING CHOICE VOUCHER PROGRAM/SECTION 8
AGENCY PLAN
PUBLIC HEARING SIGN IN SHEET
Tuesday, March 22, 2011
(6:00 – 7:00 PM)

NAME	ADDRESS	PHONE NUMBER
Linda C. Ritter	4121 Country Club Circle Virginia Beach, Va 23455	460-1569
Debra A. Grant	5636 Dodington Ct Va Beach, Va. 23462	597-3380
Kimberly Jernigan	2424 Courthouse Drive Bldg. 18-A VB 23456	385-5769
Candace Bowser	" "	385-5740
Rokel Tabe	" "	385-5706

Public and RAB Input

Meeting – March 22, 2011

At 5:30 p.m.

On March 22, 2010 a public hearing was held to seek input and comment on the Annual Agency Plan. The hearing was held in conjunction with the quarterly Resident Advisory Board meeting to ensure a thorough and complete review of the document and all attachments.

Rental Housing Administrator, Candace Bowser, reviewed each section of the document with particular attention placed on the stated goals and the department's progress in meeting the objectives under each of them. The revised Administrative Plan was also reviewed in much detail. After the presentation comments were requested from the attendees.

Most of the comments were procedural and dealt with the contents of the Revised Administrative Plan (which is a key attachment to the Agency Plan). Comments received consisted of :1) The concern with the difficulty in finding affordable housing because of strict credit requirements and the size of security deposits that landlord are requesting. In responding, information was provided on our Rental Security Deposit Program, Homeless Prevention & rapid re-housing Program and the free seminars provided to assist families with budgeting and repairing credit issues.

2) Comments were received was in regards to increasing housing for the disabled. This is being done and is included in the goals section. DHNP continues to seek opportunities that increase affordable housing for the disable, homeless, veterans and the elderly.

3) Comments were received in regards to providing more intense case management services. The attendee implied participants need more guidance to preserve their voucher. In responding, information was provided about the Self- Sufficiency seminars open to all HCV holders.

The meeting adjourned at 7:00 p.m. Based on the comments and discussion no alterations are necessary to the draft plan. Once adopted by City Council and approved by the Department of Housing and Urban Development, copies of the document will be furnished to the Resident Advisory Board and local partnering agencies.

Prepared March 30, 2011

By Candace Bowser

SUPPORT FILE # 6
CITY OF VIRGINIA BEACH
2011 ANNUAL AGENCY PLAN:

Administrative Plan

SUPPORT FILE # 7
CITY OF VIRGINIA BEACH
2011 ANNUAL AGENCY PLAN:

Second Half of Administrative Plan

City of Virginia Beach
Department of Housing and Neighborhood Preservation

Housing Choice Voucher Program

2011 Administrative Plan

April, 2011

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Housing Choice Voucher (HCV) Program, formerly known as 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 HCV Assistance Program, is described in and implemented throughout this Administrative Plan. The HCV assistance programs are federally funded and administered for the City of Virginia Beach by the Department of Housing and Neighborhood Preservation (VBDHNP) through its Rental Housing Division.

Administration of the HCV Program and the functions and responsibilities of the VBDHNP's staff shall be in compliance with its personnel policy and the Department of Housing and Urban Development's (HUD) HCV Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the VBDHNP is the City of Virginia Beach, Virginia. .

A. HOUSING AGENCY MISSION STATEMENT

The VBDHNP is committed to achieving excellence in providing affordable quality housing, revitalizing communities, and promoting upward mobility and self-sufficiency through alliances with public and private sector groups.

1) ETHICS STATEMENT

High ethical standards are regarded as a hallmark of excellence in public service. The Code of Ethics, adopted in 1968, provided a framework for our standards of conduct.

Federal and state laws and the City Code establish many of these standards of conduct. In addition, policies, directives and standard operating procedures help set boundaries for our behavior.

A Code of Ethics establishes a set of principles that guide staff conduct in relations with citizens, customers, vendors, contractors, the community, and other members. These principles preserve the integrity of these relationships and assist in maintaining the highest level of public confidence in the impartial and principled operations of government. Our Code of Ethics can help by increasing awareness of key ethical issues, serving as a guide in decision-making; encouraging members to seek advice and clarify where to go for assistance; addressing misconduct and related concerns; and building trust within the City organization and the community.

The VBDHNP also has adopted Professional Standards that all Department staff must practice and honor.

The full Code of Ethics documents may be found in the forms Appendix of this Administrative Plan.

B. PURPOSE OF THE ADMINISTRATIVE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The VBDHNP 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. The VBDHNP will revise this Administrative Plan as needed to comply with changes in HUD regulations. The original Plan and any changes must be approved by the City Council of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

This Administrative Plan is a supporting document to the VBDHNP Agency Plan, and is available for public review as required by CFR 24 Part 903.

Applicable regulations include:

24 CFR Part 5: General Program Requirements
24 CFR Part 8: Nondiscrimination

24 CFR Part 982: HCV Tenant-Based Assistance: Housing Choice Voucher Program

24 CFR Part 983: HCV Project-Based Assistance: Housing Choice Voucher Program

Local rules that are made part of this Plan are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

C. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d) (21)]

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not exceed $25,000 per occurrence nor more than $100,000 in the aggregate for each fiscal year without the prior approval of the City Council.

D. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the VBDHNP's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to the HCV program not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

E. TERMINOLOGY

The U.S. Department of Housing & Urban Development is referred to as "HUD"

The Virginia Beach Department of Housing & Neighborhood Preservation is referred to as VBDHNP throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

"HQS" means the Housing Quality Standards

"Failure to Provide" refers to all requirements in the Family Obligation. See "Denial or Termination of Assistance," Chapter 15.

See Glossary for other Terminology

F. FAIR HOUSING POLICY [24 CFR 982.54(d) (6)]

It is the policy of VBDHNP to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The VBDHNP shall not deny any family or individual the equal opportunity to apply for or receive assistance under the HCV program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability, or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the VBDHNP 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.

In September 2008, the VBDHNP entered into a Voluntary Compliance Agreement with the Office of Fair Housing.

All VBDHNP staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Landlords who participate in our Voucher program are required to receive and certify Fair Housing Training annually. Fair Housing posters are posted throughout the VBDHNP office's, including in the lobby and interview rooms and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organization to keep current with new developments.

The entire VCA document may be reviewed in the documents section of this Administrative Plan.

G. AFFIRMATIVELY FURTHERING FAIR HOUSING [24CFR 903.2 (d) (2) (i) (ii)

HUD regulations provide that VBDHNP should take affirmative steps to overcome the effects of conditions which resulted in limiting participation of persons because of their race, national origin or other prohibited basis. In doing so the VBDHNP has initiated affirmative marketing efforts with community based agencies, which include a greater emphasis on contacting churches, social services, and minority organizations. We will initiate mailings, in person engagements, and demonstrate our efforts to increase diversity among our low income ethnicity population.

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

The VBDHNP office(s) are accessible to persons with disabilities. Accessibility for the hearing impaired is provided dialing the TDD phone number: 757-385-5794.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 100.202]

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

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before VBDHNP will treat a person differently than anyone else. The VBDHNP's policies and practices are 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 VBDHNP's forms and letters. This policy is intended to afford persons with disabilities and 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.

To be eligible to request a reasonable accommodation, the applicant/participant must request (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, 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, VBDHNP 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.

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

The VBDHNP will provide a written decision to the person requesting the accommodation within five (5) working days. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review VBDHNP'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.

VBDHNP'S mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Definition of Disability

Persons are considered disabled if:

- They have a disability as defined in 42 U.S.C. 42

- They are determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - ❖ is expected to be of long-continued and indefinite duration;
  - ❖ substantially impedes their ability to live independently; and
  - ❖ is of such a nature that the ability to live independently could be improved by more suitable housing conditions
- They are functionally disabled as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001)7)] "severe chronic disability that:
  - ❖ is attributable to a mental or physical impairment or combination of a mental and physical impairments
  - ❖ is manifested before the person attains age 22
  - ❖ is likely to continue indefinitely
  - ❖ results in substantial functional limitation in three or more of the following areas of major life activity: self care, receptive and responsive language, learning, mobility, self direction, capacity for independent living, and economic self sufficiency.
- Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.
- Persons who have acquired immunodeficiency syndrome (AIDS) or any conditions arising from the AIDS virus are not excluded from this definition.
- For purposes of qualifying for low-income housing, the definition does not include a disability based solely on any drug or alcohol dependence.

Applying for Admission

All persons who wish to apply for any of VBDHNP's programs must submit a pre-application in written format, as indicated in our public notice. Applications will be made available in an accessible format upon request from a person with a disability.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The full application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for accommodation is requested by a person with a disability. Applicants will then be interviewed by VBDHNP staff to review the information on the full application form. Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at this time. The full application will also include questions asking all applications whether reasonable accommodations are necessary.

I. TRANSLATION OF DOCUMENTS

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

- VBDHNP will comply with HUD directives and notices regarding policies for persons with Limited English Proficiency.
- The availability of local organizations to provide translation services to non English speaking families.

J. MANAGEMENT ASSESSMENT OBJECTIVES

- VBDHNP operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the VBDHNP is using its resources in a manner that reflects its commitment to quality and service. VBDHNP policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators:
- Selection from the Waiting List
- Reasonable Rent
- Determination of Adjusted Income
- Utility Allowance Schedule
- HQS Quality Control Inspections
- HQS Enforcement
- Expanding Housing Opportunities
- Payment Standards
- Annual Re-examinations
- Correct Participant Rent Calculations
- Pre-Contract HQS Inspections
- Annual HQS Inspections
- Lease-up
- Family Self-Sufficiency Enrollment and Escrow Account Balances
- Bonus Indicator De-concentration

Supervisory quality control reviews will be performed by a VBDHNP Supervisor or other qualified person other than the person who performed the work, as required by HUD, on the following SEMAP factors:

- Selection from the waiting list
- Rent reasonableness
- Determination of adjusted income

- HQS Enforcement
- HQS Quality Control

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor.

K. RECORDS FOR MONITORING VBDHNP'S PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, VBDHNP will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess VBDHNP's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

Records and other documentation received from assisted or landlord customers will be date stamped upon date of receipt and stamped "original" or "original copy" depending upon the record or document.

L. PRIVACY RIGHTS [24 CFR 982.551 and 24 CFR 5.212]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which VBDHNP will release family information.

VBDHNP's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential" or returned to the family member after its use. The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. The Housing Program Administrator (HCV), Housing Program Coordinator or Director of Housing and Neighborhood Perservation must approve all requests for access and granting of accommodations based on this information.

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

VBDHNP's staff will not discuss family information contained in files unless there is a business reason to do so. In-appropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

M. FAMILY OUTREACH

VBDHNP will publicize and disseminate information to make known the availability of housing assistance and related services on a regular basis. When VBDHNP's waiting list is open,

VBDHNP will publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons who cannot read the newspapers; the VBDHNP will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel.

VBDHNP will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

N. OWNER OUTREACH [24 CFR 982.54(d) (5)]

VBDHNP makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

VBDHNP encourages owners of decent, safe and sanitary housing units to lease to HCV families.

VBDHNP encourages participation by owners of suitable units located outside areas of low poverty or minority concentration.

VBDHNP conducts annual meetings with participating owners to improve owner relations and to recruit new owners.

VBDHNP maintains a list of units available for the HCV Program and updates this list at least bi-weekly. When listings from owners are received, VBDHNP's staff will be compiled by staff by bedroom size.

Printed material is offered to acquaint owners and managers with the opportunities available under the program.

VBDHNP encourages program participation by owners of units located outside areas of poverty or minority concentration. VBDHNP periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach will be targeted. The purpose of these activities is to provide more choice and better housing opportunities to families.

VBDHNP shall periodically:

* Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements.

* Explain the program, including equal opportunity requirements and nondiscrimination requirements, including Fair Housing Amendments Act of 1988 and Americans with

Disabilities Act, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

O. PROJECT-BASED VOUCHER PROGRAM:

1) CLOVERLEAF SRO, SOUTH BAY SRO & HERON LANDING

VBDHNP in conjunction with its regional cities (City of Chesapeake Housing & Redevelopment Agency, Norfolk Redevelopment & Housing Agency, Portsmouth Redevelopment & Housing Agency), the Continuum of Care Agencies of the Cities of Virginia Beach, Chesapeake, Norfolk, and Portsmouth; and Virginia Supportive Housing (VSH), signed a Memorandum of Agreement in September 2007 to support the 60 units in Cloverleaf Single Room Occupancy (SRO) residence, 60 units in South Bay Single Room Occupancy (SRO)and the 60 units in Heron Landing. For all project based programs administered by VBDHNP and in accordance with 24 CFR 983.260 eligible participants may receive the next available Housing Choice Voucher if they so choose and are in good standing with the landlord.

VBDHNP is allotted 44 units in the Cloverleaf SRO residence and supports these units with 44 project based vouchers. The remaining 16 units are allocated under the Continuum of Care Memorandums of Agreement, and will be represented by Norfolk, Portsmouth, Chesapeake, and Virginia Beach.

VBDHNP is allocated six units in the South Bay (SRO).

VBDHNP is allocated eight units in the Heron Landing (SRO).

VBDHNP provides a list of eligible applicants to Virginia Supportive Housing from VBDHNP's Single Unaccompanied Homeless Persons waiting list as required for the SRO/ Project Based Vouchers. Depending on the allocation, each Continuum of Care jurisdiction provides applicants directly to Virginia Supportive Housing who then are refer to the housing city.

2) COMMUNITY HOUSING PARTNERS (SEAHAVEN)

VBDHNP has partnered with Community Housing Partners to provide Project Based Assistance for twenty-six (26) units in Virginia Beach. Samaritan House will provide supportive services through case management. The units are 780 square feet, have 2 bedrooms and 1 bathroom. When a vacancy occurs, VBDHNP will pull the next eligible person from its Waiting List, determine their final eligibility and will refer the applicant to Community Housing Partners for final screening and approval of occupancy.

3) VIRGINIA BEACH COMMUNITY DEVELOPMENT CORP (VBCDC)

VBDHNP's in conjunction with the Virginia Beach Community Development Corporation (VBCDC) signed a memorandum of Agreement in January 2008 to support 40 units with Project

Based Vouchers to house homeless and/or disabled families known as NOAH 3-7. All units are scattered throughout the City of Virginia Beach. VBDHNP maintains the waiting list and refers eligible applicants to VBCDC who performs screening and approval of occupancy. VBCDC and VBDHNP are responsible for administration of the vouchers in accordance with the Department of Housing and Urban Development (HUD) regulations in CFR24 Part 983, Project Based Voucher Program.

VBDHNP has previously entered into project based assistance agreements with VBCDC for 49 units known as NOAH 1,2 and City Wide.

Chapter 2
ELIGIBILITY FOR ADMISSION
[24 CFR Part 5, Subparts B, D & E; Part 982]

INTRODUCTION

This Chapter defines both HUD and DHNP's criteria for admission and denial of admission to the program. The policy of the DHNP is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply for the Housing Choice Voucher Program. DHNP 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 DHNP pertaining to their eligibility.

A. ELIGIBILITY FACTORS [982.201(b)]

The DHNP accepts applications only from families whose head or spouse is at least 18 years of age or emancipated minors under State law. To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by DHNP.

The HUD eligibility criteria are:

- An applicant must be a "family."
- An applicant must be within the appropriate Income Limits.
- An applicant must furnish Social Security Numbers for all family members.
- An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification when required.
- At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the DHNP may provide any financial assistance.

Reasons for denial of admission are addressed in "Denial or Termination of Assistance", Chapter 15. These reasons for denial constitute additional admission criteria.

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility criteria.

B. FAMILY COMPOSITION [24 CFR 982.201(c)]

Family. A person or group of persons as determined by the DHNP, approved to reside in a unit with assistance under the program.

A family may be:

- An elderly person
- A displaced person
- A person with a disability (Individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence.)
- Any other single person
- Two or more persons who intend to share residency
- One or more disabled persons living with one or more live-in aides

A child who is temporarily away from the home because of placement in foster care is considered a member of the family. 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. Temporary is defined as in excess of 30 consecutive days.

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify under State law will be recognized as head of household.

Spouse of Head

Spouse means the husband or wife of the head. For proper application of the non-citizens rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship would have to be divorced. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head

This is an individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants [24 CFR 982.316]

A Family may include a live-in aide provided that such live-in aide:

- Is determined by the DHNP's staff 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).

A live-in aide is treated differently than family members:

- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- Live-in aides are not subject to Non-Citizen Rule requirements.
- Live-in aides may not be considered as a remaining member of the participant family.

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 DHNP. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

The DHNP will approve a live-in aide if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Approval of a live-in aide for reasonable accommodation will be in accordance with CFR 24 Part 8 and the reasonable accommodations section in Chapter 1 of this administrative plan.

At any time, DHNP's 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 DHNP's Rental Housing Division, or to another DHNP in connection with the HCV program 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, the DHNP will make the decision taking into consideration the following factors:

- Which family member applied as head of household.
- Which family unit retains the children or any disabled or elderly members.
- Restrictions that were in place at the time the family applied.
- Role of domestic violence in the split.
- Recommendations of social service agencies or qualified professionals such as children's protective services.

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

In cases where domestic violence played a role, verification will be required.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

There will be a self-certification required of families who claim joint custody or temporary guardianship.

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

The determination of household composition is made at the discretion of the DHNP.

C. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

To be eligible for assistance, an applicant must meet one or more of the following criteria:

- Have an annual income at the time of admission that does not exceed the very low income limits for occupancy established by HUD.
- Be a very low income family.
- Be a low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.
- Be a low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
- Be a low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- Be a low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
- Be a low-income or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in 24 CFR 248.101.
- Be a low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program under 24 CFR 248.173
- Be a low income family previously assisted under the Housing Choice Voucher program whose assistance was terminated due to insufficient funding.

To determine if the family is income-eligible, the DHNP compares the annual income of the family to the applicable income limit for the family's size.

Families whose annual income exceeds the income limits will be denied admission and offered an informal review.

DHNP will use current circumstances to anticipate annual income, unless verification forms indicate an imminent change (e.g. verification indicates an increase of 2.4 percent in Social Security benefits beginning on January1).

Calculating projected annual income by annualizing current income (and subsequently conducting an interim reexamination if income changes).

Portability: For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving PHA in which they want to live. The family will also be subject to existing occupancy standards in effect in the receiving PHA's jurisdiction.

Presently and until further notice the DHNP's is not absorbing any fees associated with request for Portability. We are currently only billing the sending jurisdiction for the fees associated with the voucher, once the participant has executed a lease in our jurisdiction.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Final Rule published in the Federal Register on January 27, 2009 is as follows:

The final rule requires all individuals applying for or participating in HUD's rental assistance programs to have a valid social security number. All social security numbers for an applicant's household must be verified using appropriate documentation before the household may be admitted into the program. For current participants all social security numbers must be provided and verified at the next interim or regularly scheduled recertification. All efforts should be made to ensure current participants and those on the waiting list are made aware of this new requirement that took effect on March 30, 2009.

See Notice PIH 2008-44 (HA)

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals, who are neither, may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

All members ineligible. Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations at 24 CFR 5.522. Not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b) & 982.553]

A family will not be admitted to the program if any member of the family has been evicted from federally assisted housing for serious or repeated violations of the lease within the past 5 years.

A family will be denied admission to the program if any member of the family fails to sign and submit consent forms for obtaining information required by the DHNP's including Form HUD-9886.

The family must not have violated any family obligation during a previous participation in the HCV program for 7 years prior to final eligibility determination. The DHNP will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.

The family must be in good standing regarding any current payment agreement made with another HA for a previous debt incurred, before the DHNP will allow participation in its HCV program.

The DHNP will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in the section on screening and terminations policy in the "Denial or Termination of Assistance" chapter.

If any applicant deliberately misrepresents the information on which eligibility or participant rent is established, the DHNP may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).

G. PARTICIPANT SCREENING [24 CFR 982.307)]

The DHNP's Rental Housing staff will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

The DHNP's Rental Housing Division will not screen family behavior or suitability for tenancy. DHNP will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy. The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before DHNP's approval of the tenancy, DHNP 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.

The DHNP must give the owner:

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

The same types of information will be supplied to all owners.

DHNP will advise families how to file a complaint if they have been discriminated against by an owner. DHNP will also advise the family to make a Fair Housing complaint. DHNP must also report the owner to HUD (Fair Housing/Equal Opportunity).

H. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

I. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review if they were denied due to noncitizen status. See "Complaints and Appeals" chapter for additional information about reviews.

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

Admission to the program may not be based on:

- Where a family lives prior to admission to the program*.
- Where the family will live with assistance under the program.
- Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
- Discrimination because a family includes children.
- Whether a family decides to participate in a family self sufficiency program; or
- Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

* However DHNP may target assistance for families who live in public housing or other federally assisted housing, or may adopt a residency preference (as per [982.207]). If DHNP has requested and subsequently adopted a Residency Preference, it will be explained in further detail in the Waiting List/Preference Section of this Administrative Plan.

INTRODUCTION

The policy of VBDHNP 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 VBDHNP 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 placed on the waiting list in accordance with this Plan.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application taking is to permit VBDHNP to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any one of VBDHNP's programs must complete a written application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

When the waiting list is open, any family asking to be placed on the waiting list for HCV rental assistance will be given the opportunity to complete an application.

The application process will involve two phases. The first is the "initial" application for assistance (referred to as a preapplication). This first phase may result in the family's placement on the waiting list.

The pre-application will be dated, time-stamped, and referred to VBDHNP's eligibility office where it will be maintained until such time as it is needed for processing.

The second phase is the "final determination of eligibility" (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time VBDHNP ensures that verification of all HUD and PHA eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher, or participation in a Project Based Voucher program (PBV).

B. OPENING/CLOSING OF APPLICATION TAKING [24 CFR 982.206, 982.54(d)(1)]

VBDHNP will utilize the following procedures for opening the waiting list:

At least one (1) week prior to opening the Waiting List, the VBDHNP will advertise through public notice in the local newspapers, minority publications and media entities, the City of Virginia Beach public television and radio stations.

The notice will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken.
- A brief description of the program.
- The beginning and ending dates for accepting applications
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes VBDHNP address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

If the waiting list is open, VBDHNP will accept applications from eligible families unless there is good cause for not accepting the application, such as denial of assistance because of action or inaction by members of the family for the grounds stated in the "Denial or Termination of Assistance" chapter of this Administrative Plan. [24 CFR 982.206(b)(2)]

Closing the Waiting List

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 12 months. When the period for accepting applications is over, VBDHNP will add the new applicants to the list by separating the new applicants into groups based on preference points and then lotterizing applicants within each group.

Limits on Who May Apply

When the waiting list is open:

- Normally, any family asking to be placed on the waiting list for HCV rental assistance will be given the opportunity to complete an application.

- Depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, VBDHNP may only accept applications from any family claiming preference(s).

C. "INITIAL" APPLICATION PROCEDURES [24 CFR 982.204(b)]

VBDHNP will utilize a preliminary application form. The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person on a home visit.

The purpose of the preliminary application is to permit VBDHNP to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. The preliminary application will contain at least the following information:

- Applicant name
- Family Unit Size (number of bedrooms the family qualifies for under PHA subsidy standards)
- Date and time of application
- Qualification for any local preference
- Racial or ethnic designation of the head of household
- Annual (gross) family income
- Targeted program qualifications

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Ineligible families will not be placed on the waiting list.

Preliminary 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.

D. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

Applicants are required to inform VBDHNP in writing of changes in address. Applicants are also required to respond to requests from VBDHNP to update information on their application and to determine their interest in assistance.

If after a review of the preliminary application the family is determined to be preliminarily eligible, they will be notified in writing or in an accessible format upon request, as a reasonable accommodation.

This written notification of preliminary eligibility will be provided in one of three manners:

- given to the applicant at the time the preapplication is submitted
- mailed to the applicant by first class mail
- distributed to the applicant in the manner requested as a specific accommodation.

If the family is determined to be ineligible based on the information provided in the preapplication, VBDHNP 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. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. **(See "Chapter 18, Complaints and Appeals)**

E. TIME OF SELECTION [24 CFR 982.204]

When funding is available, families will be selected from the waiting list in their determined sequence, regardless of family size, subject to income targeting requirements.

When there is insufficient funding available for the family at the top of the list, VBDHNP will not admit any other applicant until funding is available for the first applicant.

F. COMPLETION OF A FULL APPLICATION

All preferences claimed on the preliminary application or while the family is on the waiting list will be verified upon receipt of the preliminary application and prior to placement on the waiting list.

The qualification for preference must exist at the time the preference is claimed and at the time of verification, because claim of a preference determines placement on the waiting list.

After the preference is verified, when VBDHNP is ready to select applicants, applicants will be required to participate in a full application interview with a PHA representative during which the applicant will be required to furnish complete and accurate information verbally as requested by the interviewer. VBDHNP interviewer will complete the full application form with answers supplied by the applicant. The applicant will sign and certify that all information is complete and accurate.

The full application will be completed when the applicant attends the interview.

Requirement to Attend Interview

VBDHNP 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 PHA services or programs which may be available.

All adult family members are required to attend the interview and sign the housing application.

Exceptions may be made for students attending school out of state and/or for members for whom attendance would be a hardship.

It is the applicant's responsibility to reschedule the interview if they miss the appointment. If the applicant does not reschedule or misses two scheduled meetings, VBDHNP will reject the application.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than 5 working days from the original appointment date. The request must be made to the staff person who scheduled the appointment.

If an applicant fails to appear for their interview without prior approval of VBDHNP, their application will be denied unless they can provide acceptable documentation to VBDHNP that an emergency prevented them from calling.

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. (See "Complaints and Appeals "chapter.)

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 all supplemental forms required by VBDHNP. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by VBDHNP.

Every adult household member must sign a consent form to release criminal conviction records and to allow VBDHNP to receive records and use them in accordance with HUD regulations.

If VBDHNP determines at or after the interview that additional information or document(s) are needed, VBDHNP will request the document(s) or information in writing. The family will be given 10 working days to supply the information.

If the information is not supplied in this time period, VBDHNP will provide the family a notification of denial for assistance. (See "Complaints and Appeals" chapter)

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the "Verification Procedures," Chapter 7. 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 60 days old at the time of issuance of the Voucher.

H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY
[24 CFR 982.201]

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

INTRODUCTION

It is VBDHNP's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

This chapter explains the local preferences which VBDHNP has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the VBDHNP's system of applying them.

By maintaining an accurate waiting list, VBDHNP will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. WAITING LIST [24 CFR 982.204][24 CFR 983.251]

The VBDHNP may use more than one waiting list in the administration of our voucher program. There will be a single waiting list for our HCV tenant based assistance program, and we may use a separate waiting list for admission to our PBV units, or may use the same waiting list for both Tenant-based assistance and PBV assistance. If we choose to use a separate waiting list for admission to our PBV units, we must offer to place applicants who are listed on the waiting list for tenant-based assistance on the waiting list for PBV assistance (24CFR983.251).

For PBV Programs involving more than one municipality, the City of Virginia Beach DHNP may establish multiple waiting lists that reflect the voucher allocations made to each of the participant cities".

The VBDHNP may use separate waiting lists for PBV units in individual projects or buildings (or for sets of such units) or may use a single waiting list for the PHA's whole PBV program. In either case, the waiting list may establish criteria, or preferences for occupancy of particular units.

The VBDHNP may place families referred by the PBV owner on its PBV waiting list.

In the case of Special Admissions, [24 CFR 983.203] applicants will be selected from VBDHNP's waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The VBDHNP will maintain information that permits proper selection from the waiting list.

The waiting list contains the following information for each applicant listed:

- Applicant name
- Family unit size (number of bedrooms family qualifies for under the VBDHNP subsidy standards)
- Date and time of application

- Qualification for any local preference
- Racial or ethnic designation of the head of household
- Annual (gross) family income
- Number of persons in family
- Targeted program qualifications

B. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e), 982.203]

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

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

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

- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
- A family residing in a project covered by a project-based HCV HAP contract at or near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- Families qualifying for placement under specialized HUD voucher programs such as Continuum of Care, Family Unification Program, SRO's targeted at the homeless and other similar funding streams".

Applicants who are admitted under Special Admissions, rather than from the waiting list, are maintained on a separate list.

C. LOCAL PREFERENCES [24 CFR 982.207]

VBDHNP is not required to offer public notice when changing its preference system according to HUD PIH Notice 98-4. However, VBDHNP is required to consider public comments on its annual plan in establishing local preferences.

The VBDHNP uses the following preference system :

1) **Insufficient Funding Preference:**

This preference is extended to any family that has been terminated from its HCV program due to insufficient program funding.

2) **Disability Preference**:

This preference is extended to disabled persons or families with a disabled member as defined in this plan.

The PHA will require appropriate documentation from a knowledgeable professional. The PHA will not inquire as to the nature or extent of the disability.

An award letter or other proof of eligibility for Social Security Disability or Supplemental Security Income will be acceptable.

3) **Homeless Preference:**

This preference is available for individuals who meet the definition of homeless as determined by the VBDHNP; Project Based Developer; or HUD. Verification of Homeless status should be secured on the Documentation of Homelessness form and completed by a professional associated with a third party agency i.e. Salvation Army Counselor, Case Worker, Clergy, Department of Human Services; Virginia Beach Police Department, Department of Housing & Neighborhood Preservation ; Any Virginia Beach Non-Profit organization that works with homeless populations.

The VBDHNP designates agencies for this purpose. Any other suitable agency, or organization, may provide verification.

Prior to processing the application, the VBDHNP requires a second certification from the same source that the applicant is not yet permanently housed and has been continuously homeless or temporarily housed since claiming the preference.

If a family is in transitional housing and wishes the VBDHNP to hold the family's place on the waiting list, a statement is required from the agency providing the transitional housing.

4) **Residency Preference**:

For families who live, work or have been hired to work in the City of Virginia Beach.

In order to verify that an applicant is a resident, the Department will require a minimum of **two (2)** of the following documents: rent receipts, leases, utility bills, employer or agency records, school records, drivers licenses, voters registration records and credit reports.

For families who have been hired to work in the City of Virginia Beach a statement from the employer will be required.

5) **Elderly – Over 62 or older** –

A family whose head of the household is at least 62 years of age or older.

6) **Veteran – A family** whose head of household is a Veteran of the Armed Forces, and who meets all other eligibility criteria.

7) **Families with Dependent Children under 18 yrs old:**

This preference is available for families with dependent children under 18 years old. A dependent is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: The head of household, spouse, co-head, foster children/adults and live-in-aides.

8) **Victims of Domestic Violence -**

Pursuant to the Violence Against Women Act (VAWA), this preference is available for individuals who have been victims of domestic violence, dating violence, sexual assault, or stalking. No applicant who has been a victim of domestic violence, dating violence, sexual assault, or stalking will be denied admission to the program. Victims of domestic violence who claim this preference must submit verification by completing the Certification of Domestic Violence, Dating Violence, or Stalking form HUD 91066.

9) **Working Preference**:

This preference is for households where the head, spouse or sole member has been employed in their current job for at least 1 year. However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

VBDHNP will require a statement from the employer, or verification of the age or disability status of the head and spouse, or sole member.

Preference points are as follows:

1)	Insufficient Funding	75 points
2)	Disability	50 points
3)	Homeless	50 points
4)	Residency	50 points
5)	Elderly – 62 or older	25 points
6)	Veteran	25 points
7)	Families with Children under 19 yrs old	20 points
8)	Victim of Domestic Violence	50 points
9)	Working	20 points

Date and time of receipt of a completed application: When there are families with the same amount of points, the date and time of the application determines the placement on the wait list. When there are no points, then the date and time of the application determines the placement on the wait list.

D. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year VBDHNP will reserve a minimum of seventy-five percent of its HCV new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as "extremely low-income families." VBDHNP will admit families who qualify under the Extremely Low Income limit to meet the income targeting requirement, regardless of preference.

VBDHNP's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act. VBDHNP is also exempted from this requirement where WE ARE providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

E. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION
[24CFR 982.207]

The method for selecting applicants from a preference category must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with this Administrative Plan.

VBDHNP will verify all preference claims at the time they are made. VBDHNP will re-verify a preference claim, if we feel the family's circumstances have changed, at time of selection from the waiting list.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the local preference and given an opportunity for a meeting.

If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

F. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR 982.207]

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify VBDHNP in writing when their circumstances change.

When an applicant claims an additional preference, s/he will be placed on the waiting list in the appropriate order determined by the newly-claimed preference.

If the family's verified annual income, at final eligibility determination, does not fall under the Extremely Low Income limit and the family was selected for income targeting purposes before family(ies) with a higher preference, the family will be returned to the waiting list.

Other Housing Assistance [24 CFR 982.205(b)]

Other housing assistance means a federal, State or local housing subsidy, as determined by HUD, including public housing.

VBDHNP may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]

- Refuse to list the applicant on VBDHNP's waiting list for tenant-based assistance;
- Deny any admission preference for which the applicant is currently qualified;
- Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under VBDHNP's selection policy; or
- Remove the applicant from the waiting list.
-

However, VBDHNP may remove the applicant from the waiting list for tenant-based assistance if WE have offered the applicant assistance under the voucher program.

G. ORDER OF SELECTION [24 CFR 982.207(e)]

VBDHNP'S's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

Local Preferences

Local preferences will be used to select families from the waiting list. Each preference is allocated points as shown on page 4 of this chapter. The more preference points an applicant has, the higher the applicant's place on the waiting list.

Among Applicants with Equal Preference Status

Among applicants with equal preference status, the list will be lotterized within each preference group.

H. FINAL VERIFICATION OF PREFERENCES [24 CFR 982.207]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, VBDHNP'S will obtain necessary verifications of preference at the interview and by third party verification.

I. PREFERENCE DENIAL [24 CFR 982.207]

If VBDHNP'S denies a preference, We will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. If the preference denial is upheld as a result of the review, or the applicant does not request a review, the applicant will be placed on the waiting list without benefit of the preference.

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

J. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The Waiting List will be purged not more than twice each year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for written confirmation of continued interest.

Any initial mailings to the applicant which require a response will state that failure to respond within 10 working days may result in the applicant's name being dropped from the waiting list.

If an applicant fails to respond to a mailing from VBDHNP, the applicant will be sent written notification and given 10 days to contact our Division. If they fail to respond, they will be removed from the waiting list.

An extension of 30 days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If a letter is returned with a forwarding address, it will be re-mailed to the address indicated and be treated as an initial mailing.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Rental Housing Administrator, or Program Coordinator determines there were circumstances beyond the person's control.

INTRODUCTION

HUD guidelines require VBDHNP 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 (family unit size) for various sized families when they are selected from the waiting list, as well as VBDHNP's procedures when a family's size changes, or a family selects a unit size that is different from the Voucher.

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

The VBDHNP does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The VBDHNP subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

For subsidy standards, an adult is a person 18 years old or older or an emancipated minor.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

One bedroom will be generally be assigned for each two family members.

A single pregnant woman with no other family members must be treated as a two-person family.

Single person families shall be allocated one bedroom.

GUIDELINES FOR DETERMINING VOUCHER SIZE

Voucher Size	Persons in Household	
	Minimum Number	Maximum Number
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	3	4
3 Bedrooms	5	6
4 Bedrooms	7	8
5 Bedrooms	9	10
6 Bedrooms	11	12

B. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.403(a) & (b)]

The VBDHNP shall grant exceptions from the subsidy standards if the family requests and if VBDHNP's Rental Housing Division staff determines the exceptions are justified as per the CFR and the VBDHNP's policies in place at the time of the request. VBDHNP will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

* Verified medical or health reason; or
* Elderly persons or persons with disabilities who may require a live-in attendant.

Request for Exceptions to Subsidy Standards

The family may request a larger sized voucher than indicated by VBDHNP's subsidy standards. Such request must be made in writing, or orally if unable to submit in writing, within five days of VBDHNP's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

The VBDHNP will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

Requests based on health related reasons must be verified by a medical professional.

All exceptions will be approved by the HCV Administrator or HCV Program Coordinator.

IN THE EVENT OF AN ERROR MADE BY THE VBDHNP

If VBDHNP staff errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size.

Changes for Applicants

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

Changes for Participants

The members of the family residing in the unit must be approved by VBDHNP and the participating HCV landlord/owner. The family must obtain approval of any additional family

member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform VBDHNP's staff within 5 days. The above referenced guidelines will apply.

Under-housed Families

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), The VBDHNP will issue a new voucher of the appropriate size and assist the family in locating a suitable unit.

The VBDHNP will also notify the family of the circumstances under which an exception may be granted, such as:

* If a family with a disability is under-housed in an accessible unit.

* If a family requires the additional bedroom because of a health problem which has been verified by the VBDHNP.

Over-housed Families

Families who are over-housed due to changes in family composition will be issued a smaller bedroom size voucher 60 days prior to their next annual reexamination. The family may remain in the larger dwelling unit providing it is affordable for them to do so.

C. UNIT SIZE SELECTED [24 CFR 982.402(c)]

The family may select a different size dwelling unit than that listed on the Voucher. However, there are three criteria to consider in determining whether the selected until will be approved by VBDHNP staff:

Subsidy Limitation: The family unit size as determined for a family under VBDHNP subsidy standard for a family assisted in the voucher program is based on the VBDHNP's adopted payment standards. The payment standard for a family shall be the *lower of*:

The payment standard amount for the family unit size(as per noted on the voucher; 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. (See Chart Below).

***HQS GUIDELINES FOR UNIT SIZE SELECTED**

Unit Size	**Maximum Number in Household**
0 Bedroom	1
1 Bedroom	2
2 Bedrooms	4
3 Bedrooms	6
4 Bedrooms	8
5 Bedrooms	10
6 Bedrooms	12

INTRODUCTION

DHNP will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and at annual reexamination 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. DHNP's policies in this Chapter address those areas which allow DHNP discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the Code of Federal Regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

DHNP will use current circumstances to anticipate annual income, unless verification forms indicate an imminent change (e.g. verification indicates an increase of 2.4 percent in Social Security benefits beginning on January1).

Calculating projected annual income by annualizing current income (and subsequently conducting an interim reexamination if income changes).

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

Adjusted Income is defined as the annual income minus any HUD allowable expenses and deductions.

Allowable Deductions

HUD has five allowable deductions from annual income:

- Dependent Allowance: $480 each for family members (other than the head or spouse who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
- Elderly Disabled Allowance: $400 per family for families whose head or spouse are 62 or over, or disabled.
- Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.

- Child Care Expenses: Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.
- Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

B. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS FOR PERSONS WITH DISABILITIES [24 CFR 5.617; 982.201(b) (3)]

The annual income for qualified families may not be increased as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the disabled family receives 12 cumulative months of the full exclusion, annual income will include a DHNP phase-in of half the earned income excluded from annual income.

A family qualified for the earned income exclusion is a family that is receiving tenant-based rental assistance under the Housing Choice Voucher Program; and

- Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least $500. The qualifying TANF assistance may consist of any amount of monthly income maintenance, and/or at least $500 in such TANF benefits and services as one-time payments, wage subsidies and transportation assistance.

The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

The HUD definition of economic self-sufficiency program is: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a Tenant to work (such as substance abuse or mental health treatment).

Qualifying increases are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

Initial Twelve-Month Exclusion

During the cumulative 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, DHNP will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.

Second Twelve-Month Exclusion and DHNP phase-in

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, DHNP must exclude from annual income of a qualified family 50 percent of any increase in income of a family member who is a person with disabilities as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four Year Disallowance

The earned income disallowance is limited to a lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of DHNP phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month DHNP phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Applicability to Child Care Expense Deductions

The amount deducted for child care necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the full and DHNP phase-in exclusions from income shall not be used in determining the cap for child care deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation will include:

* Date the increase in earned income was reported by the family

* Name of the family member whose earned income increased

* Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income

* Amount of the increase in earned income (amount to be excluded)

* Date the increase in income is first excluded from annual income

* Date(s) earned income ended and resumed during the initial cumulative 12-month * period of exclusion (if any)

* Date the family member has received a total of 12 months of the initial exclusion

* Date the 12-month DHNP phase-in period began

* Date(s) earned income ended and resumed during the second cumulative 12-month period (DHNP phase-in) of exclusion (if any)

* Date the family member has received a total of 12 months of the DHNPse-in exclusion

* Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance)

DHNP will maintain a tracking system to ensure correct application of the earned income disallowance.

Inapplicability to Admission

The earned income disallowance is only applied to determine the annual income of families who are Tenants in the Housing Choice Voucher Program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

C. MINIMUM RENT [24 CFR 5.616]

Minimum Rent

"Minimum rent" is $50.00. Minimum rent refers to the Minimum Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

Hardship Requests for an Exception to Minimum Rent [24 CFR 5.630]

DHNP recognizes that in some circumstances even the minimum rent may create a financial hardship for families. DHNP will review all relevant circumstances brought to DHNP's attention regarding financial hardship as it applies to the minimum rent. The following section states DHNP 's procedures and policies in regard to minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998. HUD has defined circumstances under which a hardship could be claimed. (24 CFR 5.630)

Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family's circumstances must fall under one of the following HUD hardship criteria:

- The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance, including a family with a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act, and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.
- The family would be evicted as a result of the imposition of the minimum rent requirement;
- The income of the family has decreased because of changed circumstances, including loss of employment, death in the family, or other circumstances as determined by DHNP or HUD
- When a death has occurred in the family; and
- Other circumstances determined by the responsible entity or HUD

DHNP Notification to Families of Right to Hardship Exception

DHNP will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly adjusted income, 10% of monthly income, minimum rent or welfare rent.

DHNP notification will advise families that hardship exception determinations are subject to DHNP review and hearing procedures.

DHNP will review all family requests for exception from the minimum rent due to financial hardships.

All requests for minimum rent hardship exceptions are required to be in writing and must include a statement of the family hardship that qualify the family for an exception.

DHNP will use its standard verification procedures to verify circumstances which have resulted in financial hardship.

Suspension of Minimum Rent

DHNP 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 DHNP determines whether the hardship is covered by statute and temporary or long term.

"Suspension" means that DHNP must not use the minimum rent calculation until DHNP has 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 the responsible entity determines there is no qualifying financial hardship exemption, the responsible entity must reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family must pay the back rent on terms and conditions established by the responsible entity.

Temporary Hardship [24 CFR 5.630]

If DHNP 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 DHNP determines that there is a qualifying long-term financial hardship, DHNP 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.

D. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT
[24 CFR 982.54(d) (10), 982.551]

The DHNP must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the DHNP must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

"Temporarily absent" is defined as away from the unit for 30 or less consecutive days. "Permanently absent" is defined as away from the unit for more than 30 consecutive days.

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.

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

Absence of Any Member

Any member of the household will be considered permanently absent if he/she is away from the unit for 30 consecutive days except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the DHNP will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 60 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 DHNP's "Absence of Entire Family" policy.

Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

- 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.
- Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

Absence due to Incarceration

Any member of the household will be considered permanently absent if he/she is incarcerated for 30 days. If the head of household is incarcerated, DHNP will determine the eligibility of the remaining members.

DHNP will verify if the reason for incarceration is for drug-related or violent criminal activity and determine course of action.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the DHNP 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 three months from the date of removal of the child/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 DHNP's occupancy standards.

Absence of Entire Family

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

Families are required both to notify the DHNP before they move out of a unit and give the DHNP information about any family absence from the unit.

Families must notify the DHNP at least five days prior to leaving the unit if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the assisted unit for more than 30 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the DHNP may:

* Write letters to the family at the unit
* Telephone the family at the unit
* Interview neighbors
* Verify if utilities are in service
* Check with the post office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the DHNP can verify that the person was unable to notify the DHNP in accordance with the family's responsibilities, and if funding is available, the DHNP may reinstate the family as an accommodation if requested by the family, as long as the period was within 180 days.

Caretaker for Children

If both parent remains in the household, and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the DHNP will treat that adult as a visitor for the first 30 days

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the voucher will be transferred to the caretaker, if determined to be eligible.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the DHNP will review the status at 15 day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the DHNP will secure verification from social services staff or the attorney as to the status.

When the DHNP approves a person to reside in the unit as caretaker for the child/children, the income should be counted pending a final disposition. The DHNP will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 60 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 30 days in a year without DHNP approval will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose 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 DHNP will terminate assistance since prior approval was not requested for the addition.

In a joint custody arrangement, if the minor is in the household less than 90 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and DHNP

Reporting changes in household composition to the DHNP is both a HUD and a DHNP requirement.

The family is required to obtain written approval from the landlord, and DHNP approval prior to adding any other family member as an occupant of the unit. The family must inform the DHNP of the birth, adoption or court-awarded custody of a child within five days. If any new family member is added, the income of the additional member will be included in the family income as applicable under HUD regulations.

If the family does not obtain prior written approval from the DHNP, any person the family has permitted to move in will be considered an unauthorized household member.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the DHNP in writing within five days of the maximum allowable time.

An interim reexamination will be conducted for any additions to the household.

Reporting Absences to the DHNP

Reporting changes in household composition is both a HUD and a DHNP requirement.

If a family member leaves the household, the family must report this change and provide verification of new address to the DHNP, in writing, within 5 days of the change and certify as to whether the member is temporarily absent or permanently absent.

The DHNP will conduct an interim in accordance with the interim policy.

E. AVERAGING INCOME

When annual income cannot be anticipated for a full twelve months, the DHNP will annualize current income and conduct an interim reexamination if income changes.

If there are bonuses or overtime which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

F. MINIMUM INCOME

There is no minimum income requirement.

Families who report zero income are required to certify their status monthly. Enterprise Income Verification (EIV) reports obtained for the client will be reviewed at this time as well.

Families that report zero income will be required to report to the DHNP office for monthly appointments and sign affidavits attesting to no income, and provide information regarding their

means of basic subsistence, such as food, utilities, transportation, etc A family's repeated failure to comply with this process may result in termination of the Housing Choice Voucher .

If the family's expenses exceed their known income, the DHNP will make inquiry of the head of household as to the nature of the family's accessible resources.

G. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME [24 CFR 982.54(d) (10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the DHNP will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family:

> Exclude the income and deductions of the member if his/her income goes directly to the facility, or include the income and deductions of the member if his/her income goes to a family member.

H. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every month or more frequently will be considered a "regular" contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See "Verification Procedures," Chapter 7 for further definition.)

If the family's expenses exceed its known income, the DHNP will inquire of the family regarding contributions and gifts.

I. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

DHNP encourages families to apply for child support.

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

DHNP will count the actual amount of support being received by the household. If the amount of child support or alimony received is less than the amount awarded by the court, DHNP will use the lesser amount actual payments received for the last twelve months will be used, including payments that vary from month to month, irregular payments, and lump sums.

DHNP will accept verification that the family is receiving an amount lesser than the award if DHNP receives verification from the agency responsible for enforcement or collection.

For child support or alimony not being paid through a government agency, DHNP will accept the following documents as proof of payment: court documents, notarized statement from the payee stating the amount and frequency of payment, and/or self-certification from the resident responsible for the children.

It is the family's responsibility to supply a certified copy of the divorce decree.

All unusual cases involving child support will be dealt with on a case by case basis and approved by the HCV Coordinator.

J. LUMP-SUM RECEIPTS [24 CFR 5.609]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive Tenant rent that the family owes as a result of the lump sum receipt, DHNP uses a calculation method which calculates retroactively depending on the circumstances.

Retroactive Calculation Methodology

The DHNP will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The DHNP will determine the amount of income for each certification period, including the lump sum, and recalculate the Tenant rent for each certification period to determine the amount due the DHNP.

The family has the choice of paying this "retroactive" amount to the DHNP in a lump sum, or at DHNP's option, the DHNP may enter into a Repayment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

K. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.

After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

L. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d) (3)]

The DHNP must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The DHNP will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcies are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separations are not considered to be assets disposed of for less than fair market value.

The DHNP's minimum threshold for counting assets disposed of for less than Fair Market value is $500. If the total value of assets disposed of within a one-year period is less than $500, they will not be considered an asset.

M. CHILD CARE EXPENSES [24 CFR 5.603] [HCV GB 5-29]

The amount of Child Care expenses anticipated to be paid for children under 13 may be deducted from annual income, only to the extent such amounts are not reimbursed if they enable an adult to work or attend school, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

In cases where an adult family member is available to provide child care, the expense will be allowed as a deduction when the family chooses a non-household member provider.

The deductions for child care expenses are based on the following guidelines:

Child care to work: The maximum child care expense allowed cannot exceed the amount earned by the person enabled to work which is included in the family's annual income. When more than 1 family member is working the "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

Amount of Expense: DHNP will survey the local care providers in the community/collect data as a guideline. If the hourly rate materially exceeds the guideline, the DHNP may calculate the allowance using the guideline.

N. MEDICAL EXPENSES [24 CFR 5.609(a) (2), 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

O. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

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

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

P. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

DHNP will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of:

- fraud by a family member in connection with the welfare program; or
- failure to participate in an economic self-sufficiency program; or
- noncompliance with a work activities requirement

However, the DHNP will reduce the rental contribution if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has not complied with other welfare agency requirements; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment, such as the family member has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution.

Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

The DHNP will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance with economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction.

The welfare agency, at the request of the DHNP, will inform the DHNP of:

- amount and term of specified welfare benefit reduction for the family;
- reason for the reduction; and
- subsequent changes in term or amount of reduction.

Cooperation Agreements

DHNP has a written cooperation agreement in place with the local welfare agency which assists the DHNP in obtaining the necessary information regarding welfare sanctions.

Q. FIRST MONTH FREE RENT

When, on an initial move-in, an owner is offering the first month's rent free, DHNP will enter an offsetting check adjustment for the first month's HAP remittance to the owner thereby in effect remitting a zero HAP amount for the first month's rent.

R. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

[24 CFR 982.517]

The same Utility Allowance Schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The DHNP's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

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

The DHNP must classify utilities in the utility allowance schedule according to the following general categories: space heating, air conditioning, cooking, water heating, water, sewer, trash collection other electric, refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for Tenant installed air conditioners [24 CFR 982.517; 24 CFR 982.519].

The DHNP will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a Tenant family's rent calculation at their next reexamination.

Where families provide their own range and refrigerator, the DHNP will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 36 month period.

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

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family [24 CFR 982.514(b)], the DHNP will provide a utility reimbursement payment for the family each month. The check will be made out directly to the head of household. However, if the family has repeated utility interruptions for non-payment of utility bills, DHNP may opt to pay the reimbursement directly to the utility company.

As a condition of Voucher Issuance, DHNP requires each Head of Household pass a utility clearance to include gas, electric, water and sewage as relevant. Assistance will be denied if it is confirmed that the Head of Household is unable to have utilities turned on in his/her name. If denied for this reason the applicant will be offered the option of returning to the Waiting List.

In calculating a utility allowance schedule, the DHNP will utilize an industry standard software approved and acceptable to the Department of Housing and Urban Development.

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by VBDHNP. VBDHNP 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 to VBDHNP whenever information is requested. VBDHNP's verification requirements are designed to maintain program integrity. This chapter explains VBDHNP's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. VBDHNP will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

VBDHNP will verify information through the four methods of verification acceptable to HUD in the following order:

1. Up-Front Income Verification (UIV) via the Enterprise Income Verification (EIV) system
2. Third-Party Written
3. Third-Party Oral
4. Review of Documents
5. Certification/Self-Declaration

VBDHNP will allow two weeks for return of third-party verifications before going to the next method. VBDHNP will document the file as to why third party written verification was not used.

For applicants and participants, verifications are valid for 60 days from date of receipt.

Up-Front Income Verification

Final rule dated January 27, 2009 revises HUD's public and assisted housing program regulations to implement the upfront income verification (UIV) process and to require the use of HUD's Enterprise Income Verification (EIV) system by public housing agencies (PHAs), and multifamily housing owners and management agents (O/As), when verifying the employment and income of program participants at the time of all reexaminations or re-certifications.

Up-Front Income Verification (UIV) is defined as direct electronic or on-line access to income information of applicants or participants in the HCV program. This access may be provided by local, state, or federal government agencies or their contractual representatives.

Method procedures are:

(1) UIV documentation is obtained through electronic or on-line access.
(2) The applicant/participant provides income documentation, such as pay stubs, employer payment records, or other forms of documentation.

(3) A comparison of the UIV and applicant/participant documentation is made:

(a) If the difference is less than $2400 annually, then the UIV documentation is considered the verified income for subsidy determination purposes. The applicant/customer will be informed of the determination to use UIV and will be afforded the opportunity to dispute the UIV amount. Any disputes will be resolved through third party verification.

(b) If the difference is equal to or more than $200 Dollars per month, or $2400 annually, [HUD Guidelines for Projecting Annual Income When UIV Data is Available-HUD website, April 2004], then the required next verification procedures is third party.

Applicant/participant supplied documentation must be current and include one month verification of earnings. If income fluctuates, at least three (3) months of income verification must be submitted. For example, an applicant/participant who is working and is compensated every two weeks must provide both consecutive pay stubs covering four weeks (or one month) of working income. If the difference between pay checks is greater than $25, income will be considered fluctuating, and VBDHNP will request at least 3 months of income verification to determine average monthly income.

Participants who fail to bring in income documentation at their annual reexamination appointment will be subject to suspension of their voucher subsidy in accordance with Chapter 15, Denial, Suspension, or Termination of Assistance, of this administrative plan.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the verification source are considered third party written verifications.

Third party verification forms will not be hand carried by the family under any circumstances.

VBDHNP will accept verifications in the form of computerized printouts delivered by the family from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board
- City or County Courts
- Child Support Agencies

- ❖ Internal Revenue Service or state/local revenue agencies.

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to note in the customer notes screen the person contacted, the date of the conversation, the facts provided, and the telephone number of the contact. If provided by telephone, VBDHNP must originate the call requesting oral third-party verification. If oral third party verification is not available, VBDHNP will compare the information to any documents provided by the Family.

Review of Documents

Any document used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the date they are provided to the HA. The documents must not be damaged, altered or in any way illegible.

Print-outs from web pages are considered original documents.

The VBDHNP staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed/received.

Any family self-certifications must be made in a format acceptable to the HA and must be signed in the presence of a HA representative or HA notary public.

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within two weeks, VBDHNP will document the customer notes screen accordingly and utilize documents provided by the family as the primary source if the documents provide complete information

All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail. Documentation will be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

All such documents will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document will note in the customer notes screen the date, place, contact, contact phone number, and type of document viewed.

VBDHNP will accept the following documents from the family provided that the document is such that tampering would be easily noted:

* Printed wage stubs

* Computer print-outs from the employer
* Signed letters (provided that the information is confirmed by phone)
* Other documents noted in this Chapter as acceptable verification

VBDHNP will not accept photo copies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, VBDHNP will utilize the third party verification.

VBDHNP will delay the processing of an application pending proper verification

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement/affidavit/certification/statement under penalty of perjury and must be witnessed.

B. RELEASE OF INFORMATION [24 CFR 5.230]

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, Authorization for Release of Information/Privacy Act Notice, such as the VBDHNP Family Obligations form.

Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by VBDHNP or HUD.

C. COMPUTER MATCHING

For some time, HUD has conducted a computer matching initiative to independently verify resident income. HUD can access income information and compare it to information submitted by VBDHNP on the 50058 form. HUD can disclose Social Security information to VBDHNP, but is precluded by law from disclosing Federal tax return data to VBDHNP. If HUD receives information from Federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family and VBDHNP of the discrepancy. The family is required to disclose this information to VBDHNP (24 CFR 5.240). HUD's letter to the family will also

notify the family that HUD has notified VBDHNP in writing that the family has been advised to contact VBDHNP. HUD will send VBDHNP a list of families who have received "income discrepancy" letters.

Within ten days of VBDHNP receiving notification from HUD that a family has been sent an "income discrepancy" letter, VBDHNP will contact the tenant by registered letter 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, VBDHNP will verify the accuracy of the income information received from the family, review VBDHNP's interim recertification policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, based on the information.

If there is rent owed to VBDHNP, the family will be warned in writing concerning the reporting of all income to VBDHNP, and will be directed to contact their Housing Specialist to review their case and income.

If family fails to respond to VBDHNP within 10 days of mailing the certified letter, VBDHNP will send a second certified letter to the head of household, warning of the consequences if the family failure to contact VBDHNP within 10 days of the letter date.

If the family fails to respond to the second certified letter, VBDHNP will immediately suspend the family's voucher subsidy and send a third certified letter requesting response with ten days of the letter date and advising the tenant that failure to respond will result in termination from the program.

If the family fails to respond to the third certified letter, the family will be terminated from the program.

If the family claims a letter from HUD was not received, VBDHNP will provide a copy of the letter received from HUD.

If tenant does receive a discrepancy letter from HUD and notifies VBDHNP of the same:

- VBDHNP will set up a meeting with the family.
- If the family fails to attend the meeting, VBDHNP will reschedule the meeting.
- If the family fails to attend the second meeting, VBDHNP will send a termination warning.
- The family must bring the original HUD discrepancy letter to VBDHNP.
- If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter, VBDHNP will ask the tenant to provide documented proof that the tax data is incorrect.
- If the tenant does not provide documented proof, VBDHNP will obtain proof to verify the Federal tax data using third party verification.

D. ITEMS TO BE VERIFIED [24 CFR 982.516]

- 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 of for less than fair market value in preceding two years.
- Child care expense where it allows an adult family member to be employed, or to actively seek work, or to further his/her education.
- Total medical expenses of all family 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 preferences, 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.
- "Preference" status
- Familial/Marital status when needed for head or spouse definition.
- Verification of Reduction in Benefits for Noncompliance:

VBDHNP 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.

E. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods VBDHNP will use to verify various types of income.

Employment Income

- Verification forms request the employer to specify the:
- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer.
2. Six check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.

3. W-2 forms plus income tax return forms.
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, VBDHNP will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

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

Acceptable methods of verification include, in this order:
1. Benefit verification form completed by agency providing the benefits.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. Computer report electronically obtained or in hard copy.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Verification form completed by the unemployment compensation agency.
2. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.

Welfare Payments, General Assistance, and/or Tenant Match Payments Food Stamps

Acceptable methods of verification include, in this order:

1. 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.
2. VBDHNP verification form completed by payment provider.
3. Computer-generated Notice of Action.
4. Computer-generated list of recipients from Social Services Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Verification from the Department of Child Support Enforcement.
2. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
3. A notarized letter from the person paying the support.

4. Copy of latest check and/or payment stubs from Court Trustee. VBDHNP must record the date, amount, and number of the check.

5. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide one of the following:

* 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 welfare notice of action showing amounts received by the welfare agency for child support.

* A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, VBDHNP will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:

   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.

2. Audited or unaudited financial statement(s) of the business.

3. 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.

4. Family's self-certification as to net income realized from the business during previous years.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), VBDHNP will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

If child care services were terminated, third-party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must complete our Certification which captures financial assistance received and which contains the following information:

The person who provides the gifts

The value of the gifts

The regularity (dates) of the gifts

The purpose of the gifts

Zero Earned Income Status

Families claiming to have no earned income will be required to report to the VBDHNP office on a monthly basis and execute Zero Income verification forms which include completing a Certification of Family Responsibility which certifies how rent and other expenses are being paid. Families will also be required to report any forms of unearned income being received such as unemployment benefits, TANF, SSI, etc.

VBDHNP will review EIV information received with the tenant.

VBDHNP will request information from the State Unemployment Commission

VBDHNP will run a credit report if information is received that indicates the family has an unreported income source.

VBDHNP will require the family to complete a zero income checklist.

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 are not counted toward family income.

Verification of full time student status includes:

- Written verification captured on a VBDHNP Student Verification form completed by 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.

F. INCOME FROM ASSETS [24 CFR 982.516]

Financial Institutions Verification Cost Effectiveness

Some financial institutions charge a substantial fee for providing account records. These fees plus the associated processing costs incurred by VBDHNP to obtain these records may exceed the actual asset value to be applied in calculating the family's asset. For example, a financial institution may charge $35 dollars to verify a checking account balance of $20.00; a small account balance will not affect the Total Tenant Payment (TTP) for the family. VBDHNP will determine on a case by case basis whether the cost of obtaining financial account verification is not effective when compared to the TTP. In such cases, VBDHNP will utilize tenant supplied documents as verification and document the decision not to request a higher level of verification due to cost effectiveness reasons.

Savings Account Interest Income and Dividends

Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or VBDHNP verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that VBDHNP must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

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

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:
1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

VBDHNP will require the 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.
- ❖ Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all Certifications and Re-certifications, VBDHNP 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.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]

Child Care Expenses

Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, tax identification or social security number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Written verification from absent parent, if they are responsible for paying the child care expense.

Medical Expenses

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

❖ 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. A computer printout will be accepted.

For attendant care:

❖ A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

❖ Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

❖ Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
❖ Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
❖ Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. VBDHNP may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.

VBDHNP will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

In All Cases:

❖ 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.

I. VERIFYING NON-FINANCIAL FACTORS [24 CFR 5.617(b)(2)]

Verification of Legal Identity

In order to prevent program abuse, VBDHNP will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

* Certificate of Birth, naturalization papers

* Church issued baptismal certificate
* Current, valid Driver's license
* U.S. military discharge (DD 214)
* U.S. passport
* Voter's registration
* Company/agency Identification Card
* Department of Motor Vehicles Identification Card
* Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

* Certificate of Birth
* Adoption papers
* Custody agreement
* Health and Human Services ID
* School records

If none of these documents can be provided, a third party who knows the person may, at VBDHNP's discretion, provide a sworn statement as to their identity.

Verification of Marital Status

- Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.
- Verification of a separation may be a copy of court-ordered maintenance or other records.
- Verification of marriage status is a marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will always be required if applicable:

* Verification of relationship:
* Official identification showing names
* Birth Certificates
* Baptismal certificates
* Verification of guardianship is:
    * Court-ordered assignment
    * Affidavit of parent
    * Verification from social services agency
    * School records

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, VBDHNP will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
- A utility bill
- New driver's license
- Lease

If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

If no other proof can be provided, VBDHNP will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Family Composition

VBDHNP may verify changes in family composition (either reported or unreported) [through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources].

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified *in writing* by *an* appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, ~~or~~ licensed social worker, or a professional competent to render the opinion and knowledgeable about the person's situation.

Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510, 5.512, 5.514]

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while VBDHNP hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

VBDHNP will require citizens to provide documentation of citizenship:

- Acceptable documentation will include at least one of the following original documents:
- United States birth certificate
- United States passport
- Resident alien/registration card
- Social security card
- Other appropriate documentation as determined by VBDHNP
- Eligible immigrants aged 62 and over are requited to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. VBDHNP verifies the status through the INS SAVE system. If this primary verification fails to verify status, VBDHNP must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

VBDHNP will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family.

VBDHNP will verify the U.S. citizenship/eligible immigration status of all participants no later than the date of the family's first annual reexamination following the enactment of the Quality Housing and Work Responsibility Act of 1998.

For family members added after other members have been verified, the verification occurs at the first re-certification after the new member moves in.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initiating PHA does not supply the documents, VBDHNP must conduct the determination.

Extensions of Time to Provide Documents

VBDHNP will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register:

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

VBDHNP will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If VBDHNP determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for 1 month, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of social security numbers will be done through a social security card issued by the Social Security Administration.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

J. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 982.207]

Local Preferences

Insufficient Funding Preference: Families who have been terminated from the HCV program due to insufficient funding by VBDHNP will not need to verify their status. The VBDHNP will have in house documentation of the termination under these circumstances.

Disability Preference: This preference is available for families with a member who has a disability as defined in this Admin Plan. VBDHNP will require appropriate documentation from a knowledgeable professional. VBDHNP will not inquire as to the nature of the disability except as to verify necessity for accessible unit. Award letter or other proof of eligibility for Social Security Disability or Supplemental Security Income will be acceptable.

Homeless Preference: This preference is available for individuals who meet the definition of homeless as determined by the VBDHNP; Project Based Developer; or HUD. Verification of Homeless status should be secured on the Documentation of Homelessness form and completed by a professional associated with a third party agency i.e. Salvation Army Counselor, Case Worker, Clergy, etc.

Veterans Preference: Head of household is a Veteran of the Armed Forces, and who meets all other eligibility criteria.

Residency Preference: For families who live, work or have been hired to work in the jurisdiction of VBDHNP. In order to verify that an applicant is a resident, VBDHNP will accept the following documents: rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, voter's registration records, credit reports.

Working Preference: This preference is available for families with at least one member who is employed. VBDHNP will require a statement from the employer.

Families with Dependent Children under 18 yrs Old: This preference is available for families with dependent children under 18 years old. Birth certificates, school records custody papers are acceptable forms of verification.

Victims of Domestic Violence: Victims of domestic violence who claim this preference must submit verification by completing the Certification of Domestic Violence, Dating Violence, or Stalking form HUD 91066.

Elderly – Age 62 or Older: Preference for single persons who are elderly, over other single persons.

Chapter 8
VOUCHER ISSUANCE AND BRIEFINGS
[24 CFR 982.301, 982.302]

INTRODUCTION

VBDHNP'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. 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, VBDHNP 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, VBDHNP 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.

A. ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, VBDHNP will issue vouchers to applicants whose eligibility has been determined. The number of vouchers issued must ensure that VBDHNP stays as close as possible to 100 percent lease-up. VBDHNP performs a monthly calculation electronically to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent VBDHNP can over-issue (issue more vouchers than the budget allows to achieve lease up).

VBDHNP may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers which are over-issued must be honored. If VBDHNP finds it is over-leased, it must adjust future issuance of vouchers in order not to exceed the ACC budget limitations over the fiscal year.

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

Initial Applicant and Incoming Portable Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups. Families who attend group briefings and still have the need for individual assistance will be referred to the Section 8 Coordinator.

Briefings will be conducted in English.

The purpose of the briefing is to explain how the program works and the documents in the voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

VBDHNP will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two

scheduled briefings, without prior notification and approval of VBDHNP, may be denied admission based on failure to supply information needed for certification and withdrawn from the waiting list. VBDHNP will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the voucher program will comply with all HUD requirements. VBDHNP also includes other information and/or materials which are not required by HUD.

The family is provided with the following information and materials

- The term of the voucher, and VBDHNP policy for requesting extensions or suspensions of the voucher (referred to as tolling).
- A description of the method used to calculate the housing assistance payment for a family, including:
- How VBDHNP determines the payment standard for a family;
- How VBDHNP determines total tenant payment for a family and information on the payment standard and utility allowance schedule;
- How VBDHNP determines the maximum allowable rent for an assisted unit including the rent reasonableness standard;
- Where the family may lease a unit; for families that qualifies to lease a unit outside VBDHNP jurisdiction under portability procedures, the information must include an explanation of how portability works.
- The HUD required tenancy addendum, which must be included in the lease;
- The HUD form 52517 the family must use to request approval of tenancy and a description of the procedure for requesting approval for a tenancy;
- A statement of VBDHNP policy on providing information about families to prospective owners;
- VBDHNP Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected;
- The HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS;
- The HUD pamphlet on lead-based paint entitled *Protect Your Family From Lead in Your Home;*
- Information on Federal, State and local equal opportunity laws, the HUD pamphlet *Fair Housing: It's Your Right*; a copy of the housing discrimination complaint form; and the phone number of the Chesapeake fair housing officer;

- A list of landlords or other parties willing to lease to assisted families; the list includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.
- If the family includes a person with disabilities, notice that VBDHNP will provide a list of available accessible units known to VBDHNP;
- The family obligations under the voucher issued;
- The grounds on which VBDHNP may terminate assistance for a participant family because of family action or failure to act;
- VBDHNP informal hearing procedures including when VBDHNP is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- If portability is allowed under the voucher issuance, an information packet is provided that includes an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability;
- Procedures for notifying VBDHNP and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair;
- The family's rights as a tenant and a program participant;
- Requirements for reporting changes between annual re-certifications;
- The current Fair Market Rent;
- The VBDHNP utility allowance table;
- The Family Self Sufficiency program and its advantages.
- If the family includes a person with disabilities, VBDHNP will ensure compliance with CFR 8.6 to ensure effective communication.

Move Briefing

A move briefing will be held for families who will be reissued a voucher to move, and have given written notice of intent to vacate to their landlord and provided a copy to VBDHNP or whom have received a written notice to vacate from the landlord and provided a copy to VBDHNP. The written notice must be given in accordance with the terms of the landlord's lease but no less than 30 days before the lease expiration. A family must vacate the landlord's premises within the terms of the notice to vacate.

Outgoing Portability Briefing

When a family has qualified to port-out of Virginia Beach's jurisdiction, a briefing will be held to explain the outgoing portability requirements.

Landlord/Owner Briefing

Group briefings are held for landlord/owners at least once a year; notification is provided by mail. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program. New owners joining the program after a group briefing will be provided an individual briefing. The briefing covers the responsibilities and roles of the three parties.

Signature Briefing

All new owners will be required to attend a signature briefing with the family head at VBDHNP's office to execute contracts and leases. Other owners will be encouraged to attend signature briefings to reduce future conflict between the owner and tenant. VBDHNP will provide details on the program rules and relationships and responsibilities of all parties.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas.

VBDHNP has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

VBDHNP has maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.

VBDHNP will investigate and analyze when voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

VBDHNP will give participants a copy of HUD Form 903 to file a complaint.

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

The owner is not required to but may collect a (one) security deposit from the tenant.

Security deposits charged by owners may not exceed those charged to unassisted tenants nor the maximum prescribed by State or local law.

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a voucher which represents a contractual agreement between VBDHNP and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expirations

The voucher is valid for a period of sixty calendar days from the date of issuance. The family must submit a Request for Approval of the Tenancy and Lease within the sixty-day period unless an extension has been granted by VBDHNP.

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

Suspensions

Suspensions of Voucher Term [24 CFR 982.303(c)] (New)

At its discretion, VBDHNP may adopt a policy to suspend the housing choice voucher term if the family has submitted a Request for Tenancy Approval (RFTA) during the voucher term. "Suspension" means stopping the clock on a family's voucher term from the time a family submits the RFTA until the time the DHNP approves or denies the request [24 CFR 982.4]. The VBDHNP's determination not to suspend a voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

When a Request for Approval of Tenancy is received, VBDHNP will not deduct the number of days required to process the request from the 60 day term of the voucher.

Extensions

A family may request a written request for an extension of the voucher time period. All requests for extensions must be received prior to the expiration date of the voucher.

Extensions are permissible at the discretion of VBDHNP in 30 day increments. Special circumstances include but are not limited to events such as:

- Hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.
- VBDHNP is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of VBDHNP, throughout the initial sixty-day period.
- The family was prevented from finding a unit due to disability accessibility requirements or five or more bedroom unit requirement.

VBDHNP will extend the term up to 60 days from the end of the initial term if the family needs and request an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability.

The Rental Housing Administrator, Program Coordinator or Director of Housing must approve voucher extensions.

Assistance to Voucher Holders

Families who require additional assistance during their search may call VBDHNP Office to request assistance. Voucher holders will be notified at their briefing session that VBDHNP periodically updates the listing of available units and how the updated list may be obtained.

VBDHNP will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS
[24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Administrator, Program Coordinator, or Director of Housing shall consider the following factors to determine which of the families will continue to be assisted:

* Which of the two new family units has custody of dependent children.

* Which family member was the head of household when the voucher was initially issued (listed on the initial application).

* The composition of the new family units, and which unit contains elderly or disabled members.

* Whether domestic violence was involved in the breakup.

* Which family members remain in the unit.

* Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, VBDHNP will terminate assistance on the basis of failure to provide information necessary for a recertification.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER
[24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by VBDHNP to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

* The court has to have awarded emancipated minor status to the minor, or

* VBDHNP has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the voucher family unit size.

Chapter 9

REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

[24 CFR 982.301, 982.302]

INTRODUCTION [24 CFR 982.305(a)]

VBDHNP'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. VBDHNP's 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 jurisdiction of VBDHNP, or outside of VBDHNP's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with VBDHNP. This chapter defines the types of eligible housing, VBDHNP's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Tenancy Approval (RFTA).

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.302, 982.305(b)]

The Request for Tenancy Approval (RFTA) and a copy of the proposed lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Tenancy Approval in the form and manner required by VBDHNP.

The Request for Tenancy Approval must be fully completed and signed and dated by both the owner and voucher holder.

VBDHNP will not permit the family to submit more than one RFTA at a time.

VBDHNP will review the proposed lease and the Request for Tenancy Approval documents to determine whether or not they are approvable. The request will be approved if:

The unit is an eligible type of housing

The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)

The rent is reasonable

The security deposit is approvable in accordance with any limitations in this plan.

The proposed lease complies with HUD and PHA requirements (See "Lease Review" section below).

The owner is approvable, and there are no conflicts of interest (See "Owner Disapproval" Chapter 16)

In addition to the above, at the time a family initially receives assistance in a unit (new admissions and moves), if the gross rent for the unit exceeds the applicable payment standard for

the family, the family share of rent may not exceed 40 percent of the family monthly adjusted income (See "Owner Rents, Rent Reasonableness and Payment Standards" Chapter 11).

Disapproval of RFTA

If VBDHNP determines that the request cannot be approved for any reason, the landlord and the family will be notified in writing. VBDHNP will instruct the owner and family of the steps that are necessary to approve the request.

When, for any reason, a RFTA is not approved, VBDHNP will furnish another RFTA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

B. ELIGIBLE UNITS [24CFR 982.353]

There are a number of criteria that a dwelling unit must meet in order to be eligible for assistance under the voucher program. Generally, a voucher-holder family may choose any available rental dwelling unit on the market in the DHNP's jurisdiction. This includes the dwelling unit they are currently occupying.

C. SPECIAL HOUSING TYPES [24 CFR 982 Subpart M]

HUD regulations permit, but do not require, the VBDHNP to permit families to use voucher assistance in a number of special housing types in accordance with the specific requirements applicable to those programs. These special housing types include single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured home space (where the family owns the manufactured home and leases only the space), cooperative housing and homeownership option.

(Please note: The Homeownership program is not being offered under the Housing Choice Voucher Program at the VBDHNP at this time)

Regulations do require the VBDHNP to permit use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

VBDHNP may not permit a voucher holder to lease a unit which is receiving project-based Section 8 assistance or any duplicative rental subsidies.

D. LEASE REVIEW [24 CFR 982.308]

VBDHNP will review the lease, particularly noting the approvability of optional charges and compliance with regulations and state and local law. The tenant also must have legal capacity to enter a lease under state and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the on the Request For Tenancy Approval.

The family and owner must submit a standard form of lease used in the locality by the owner and that is generally used for other unassisted tenants in the premises. The terms and conditions of the lease must be consistent with state and local law.

The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed.

Effective September 15, 2000, for structures built prior to 1978, the owner's lease must include the Lead Warning Statement and disclosure information required by 24 CFR 35.92(b).

The lease must provide that drug-related criminal activity engaged in by the tenant, any household member, or any guest on or near the premises, or any person under the tenant's control on the premises is grounds to terminate tenancy.

The lease must also provide that owner may evict family when the owner determines that:

Any household member is illegally using a drug; or

A pattern of illegal use of drug by any household member interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

The lease must provide that the following types of criminal activity by a "covered person" are grounds to terminate tenancy:

Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises);

Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or

Any violent criminal activity on or near the premises by a tenant, household member, or guest; or

Any violent criminal activity on the premises by any other person under the tenant's control.

The lease must provide that the owner may terminate tenancy if a tenant is:

Fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees (high misdemeanor in NJ); or

Violating a condition of probation or parole imposed under Federal or State law.

House Rules of the owner may be attached to the lease as an addendum, provided they are approved by VBDHNP to ensure they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

Actions Before Initial Lease Term

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

VBDHNP has inspected the unit and has determined that the unit satisfies the HQS;

VBDHNP has determined that the rent charged by the owner is reasonable;

The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum;

VBDHNP has approved leasing of the unit in accordance with program requirements;

When the gross rent exceeds the applicable payment standard for the family, VBDHNP must determine that the family share (total family contribution) will not be more than 40% of the family's monthly adjusted income.

E. SEPARATE AGREEMENTS

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

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

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

Any appliances, services or other items which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to

be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

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

Pursuant to HUD's statement dated March 2008 regarding Fair Housing and Request for Modifications, VBDHNP will not approve separate agreements for modifications to the unit for persons with disabilities..

F. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See "Housing Quality Standards and Inspections", Chapter 10 of this Administrative Plan.

G. RENT LIMITATIONS [24 CFR 982.507]

VBDHNP will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

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

At all times during the tenancy, the rent to owner may not be more than the most current reasonable rent as determined by VBDHNP.

H. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed gross rent is not reasonable, at the family's request, VBDHNP will negotiate with the owner to reduce the rent to a reasonable rent. If the rent is not affordable because the family share would be more than 40% of the family's monthly adjusted income, VBDHNP will negotiate with the owner to reduce the rent to an affordable rent for the family.

If the rent can be approved after negotiations with the owner, VBDHNP will continue processing the Request for Tenancy Approval and lease. If the revised rent involves a change in the provision of utilities, a new Request for Tenancy Approval must be submitted by the owner.

If the owner does not agree on the rent to owner after VBDHNP has tried and failed to negotiate a revised rent, VBDHNP will inform the family and owner that the lease is disapproved.

I. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, VBDHNP will furnish prospective owners with the family's current address as shown in VBDHNP's records and, if known to VBDHNP, the name and address of the landlord at the family's current and prior address.

VBDHNP will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

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

VBDHNP will furnish prospective owners with information about the family's rental history (if available), or any history of drug trafficking.. This information will be verbal but can be provided in writing if requested by the landlord; a copy of such information will be provided to the family if requested.

Only the HCV case manager may provide this information. VBDHNP's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

J. OWNER DISAPPROVAL [24 CFR 982.306]

See chapter on "Owner Disapproval and Restriction," Chapter 16.

K. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the total family share prior to the effective date of the HAP contract at admission, the information will be verified and the total

family share will be recalculated. If the family does not report any change, VBDHNP need not obtain new verifications before signing the HAP contract, even if verifications are more than 60 days old.

L. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

VBDHNP prepares the Housing Assistance Contract for execution. The family and the owner will execute the lease agreement, and the owner and VBDHNP will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents. VBDHNP will retain a copy of all signed documents.

VBDHNP will make every effort to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

The following VBDHNP representative(s) is/are authorized to execute a contract on behalf of VBDHNP: HCV Administrator, HCV Program Coordinator, Director of Housing, Housing Development Administrator, Housing Development Coordinator.

Owners must provide the current street and city address of their residence (not a Post Office box). The owner's current street and city address will be compared to the subsidized unit's address to ensure no conflict of interest or fraud.

Owners must provide an employer identification number or social security number; owners must also provide a picture ID or their social security card so a copy may be made for the owners file.

Owners must also submit proof of ownership of the property, such as a grant deed or tax bill, and a copy of the management agreement if the property is managed by a management agent.

The owner must provide a home telephone number and/or business number.

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. VBDHNP will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

M. CHANGE IN OWNERSHIP

See "Owner Disapproval and Restriction," Chapter 16.

N. TEMPORARY MOVES DUE TO RENOVATIONS

When an owner's property is undergoing renovations that require the temporary move of the assisted family to another dwelling unit, the temporary move is treated as an initial move-in. All

the requirements for an initial move-in must be met including but not limited to affordability checks, new lease and HAP contract, rent reasonableness, and a passed inspection.

Dependent upon the specific circumstances, the HCV Administrator, Coordinator or Director of Housing may waiver certain requirements. For example, if the temporary move is for a short period of time, it may make sense to approve revision to the current lease stating that the current lease terms and HAP contract information is unchanged during the temporary move; thus, the affordability check, new HAP contract, new lease, and rent reasonableness is not required.

A passed inspection is always required prior to a family move in for any reason.

O. MONTH TO MONTH LEASE CHARGE

HUD regulations do not prohibit a month to month lease after the initial one year lease period. HUD regulations also do not prohibit a month to month lease charge and considers such charges as part of the gross rent.

When a family determines to extend their lease on a month to month basis, the family and owner must revise the current lease to include the month to month charge amount. This revised lease must be approved by the HCV case manager who will ensure that the month-to month charge is reasonable. Please refer to Chapter 11, Rent Reasonableness and Payment Standards for the methodology to determine a reasonable month-to month lease charge.

Chapter 10
HOUSING QUALITY STANDARDS AND INSPECTIONS
[24 CFR 982.401]

INTRODUCTION

The Virginia Beach Department of Housing and Neighborhood Preservation (VBDHNP) conducts inspections on all units enrolled in the Housing Choice Voucher (HCV) Program. These inspections are required at the time of initial occupancy and during the term of the lease. The inspections are based on the code standards of the Uniform Statewide Building Code, Part III, Virginia Maintenance Code, and the city's property maintenance codes. They apply to the structure and the exterior premises, as well. Newly leased units must pass the inspection before the beginning date of the assisted lease and Housing Assistance Payment (HAP) contract. Units already under contract will be inspected on an annual basis.

The Section Eight Management Assessment Program (SEMAP) requires that a random sampling of the units enrolled in the HCV Program be inspected to ensure consistency with the VBDHNP's inspection program guidelines. Quality Control inspections will be conducted on a monthly basis by qualified personnel to meet this requirement.

This chapter describes VBDHNP's procedures for performing inspections, and sets the standard for the timeliness of repairs. It also describes the responsibilities of the property owner and client, and the consequences of non-compliance with code requirements for both parties.

INSPECTION GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

1. Certified Code Inspectors employed by the VBDHNP conduct inspections..

2. It is recommended that utility service be active prior to the date of the inspection. If the utilities are not in service at the time of inspection, the inspector will not be able to conduct a thorough inspection of the unit. This will be noted on the inspection form.

3. If the client is responsible for supplying the stove and/or the refrigerator, the client must notify the Housing Specialist when the appliances are in the unit and an inspection will be scheduled and conducted.

4. The head of household or anyone 18 years of age and older must be present during all inspections. Landlords are strongly encouraged to be present during the inspections as well.

5. There are five types of inspections the VBDHNP will perform.

   - Initial/Move-in: Conducted upon receipt of Request for Tenancy Approval (RFTA).
   - Annual: Must be conducted within twelve months of the last annual inspection.
   - Special/Complaint: Conducted at request of the property owner, the HCV Program client, or a local city agency/third-party provider of services to the client.
   - Supervisory Quality Control: Monthly inspection of a random sampling.

- Potential Unsafe Condition: Inspection for potential life-safety violations.

A. INITIAL INSPECTION [24 CFR 982.401(a), 982.305(b) (2)]

1. Inspections will normally be scheduled and completed within fifteen business days of receipt of the RFTA, but no later than the twenty-business day timeframe set by HUD regulations.

2. The Initial Inspection will be conducted to:
   - Determine if the unit and property meet code standards
   - Document the current condition of the unit
   - Document the information used for rent-reasonableness evaluations

3. If code violations are found, the Code Inspector will make note of the violations and leave an Inspection Checklist with the tenant, or if available, the owner, at the time of the inspection. The VBDHNP will notify the client and property owner/payee of the inspection results in writing as soon as administratively possible, but no later than five days after the inspection. The VBDHNP will attempt to conduct initial inspections in a manner that is time efficient and convenient for all parties involved.

B. ANNUAL INSPECTIONS [24 CFR 982.405(a)]

The Code Inspectors conduct annual inspections approximately 90 days prior to the lease anniversary date.

1. The client must allow the inspectors to inspect the unit at reasonable times after receiving reasonable notice. [24 CFR 982.551(d)] Inspections will be conducted on business days only, between 8:00 am and pm.

2. VBDHNP will notify the client and the landlord of the date of the inspection in writing, no less than 30 days prior to the inspection.

3. If the client is unable to be present, they must contact the inspector within 10 days of receipt of the notification letter to reschedule the inspection. A client may only reschedule their inspection one time.

4. If the family misses one inspection appointment, the inspector will leave a door hanger at the dwelling unit advising them of the missed inspection. The Housing Specialist will reschedule the inspection. Two missed inspections may result in termination of assistance. Housing Specialist will evaluate the reason why a tenant/owner misses repeated scheduled inspections and seek guidance from the Program Administrator, or Program Coordinator prior to initiating termination actions.

5. If code violations are found, the unit fails inspection. A notice of violation is issued to all parties involved and a suitable time period is given for correction. The responsible party must correct all code violations within the time period specified in order to continue with the HCV Program.

C. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

1. If at any time the client or property owner feels that potential code violations exist, they may notify the VBDHNP and request a special inspection. The VBDHNP will conduct an inspection within 2 business days. Inspections of unsafe conditions will be conducted within 24 hours in most cases.

2. The VBDHNP may also conduct a special inspection based on information from a local city agency or from a third party provider of services to the client.

3. The VBDHNP will inspect the items which were reported and may note additional violations at the time of inspection.

D. SUPERVISORY QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

1. A Code Supervisor or designee on a percentage of the units enrolled in the HCV Program will perform Quality Control inspections. These inspections are required under SEMAP.

2. The purpose of Quality Control inspections is to ensure that each inspector is conducting accurate and complete inspections, and to confirm consistent application of the code.

3. The random sampling of files will include a cross-section of neighborhoods and a cross-section of inspectors.

E. UNSAFE CONDITION INSPECTIONS [_PIH Notice 2006-08 Exigent Health and Safety Deficiency]

1. Upon confirmation of an unsafe condition, the inspector issues a notice of violation giving 24 hours for correction of the potential life-safety issue(s).

2. If prompt corrective action is not taken by the responsible party, units are posted unsafe and condemned. The unit cannot be occupied until the inspector confirms compliance with the notice of violation.

F. ACCEPTABLE CRITERIA AND EXCEPTIONS [24 CFR 982.401(4) (A)]

1. The VBDHNP adheres to the acceptable criteria in the program regulations and has adopted the local codes described below that exceed the performance requirements.

    - Uniform Statewide Building Code, Part III, The Virginia Maintenance Code and the City's Property Maintenance Codes

G. INSPECTION AND ENFORCEMENT POLICIES AND PROCEDURES

1. Inspection Notification

a) Initial inspections cannot be scheduled until the following are completed:

- The Request for Tenancy Approval (RFTA) is fully completed and signed by the landlord and client.

- An unsigned copy of the landlord's lease must be attached to the RFTA.

- The Housing Specialist has determined the dwelling unit is affordable for the family.

- The Housing Specialist has approved the RFTA and has determined that the lease is within HUD and Virginia Tenant/Landlord regulations.

- The Housing Specialist will schedule the inspection and notify the owner of the inspection appointment. Inspections will normally be scheduled and completed within fifteen business days of receipt of the RFTA.

b) Annual Inspections

- An initial letter of notification will be mailed to both the client and landlord no less than 120 days prior to the inspection date. VBDHNP will insure inspections have been scheduled, or document attempt was made by no later than 110 days. The notification

letter will include information about the consequences of a failing inspection and not bringing the unit up to code within the allotted time.

- All initial renewal inspections must be completed no later than 90 days before renewal date. If unit does not pass initial inspection, violation notice should be issued, and re-inspections scheduled.

- 60 days prior to re-exam date all re-inspections should have occurred; All re-inspections should have occurred by the 21st day; Any request for extensions by the owner should be submitted in writing, and granted in writing; If unit fails and an extension is issued, extension is issued for 30 days. A summons will not be issued for another 30 days; Extension notice informs all a 30 day notice will be issued to the owner stating the HAP contract will be terminated if unit fails inspection after extension.

  If unit fails and no extension was issued, abatement of rent starts.

c) Special Inspections

- Special Inspections will be scheduled within 48 hours.

2. Inspection Results

a) If any code violations are found, the inspector will leave an Inspection Checklist noting the violations with the participant once the inspection is complete. At this time, the property owner and/or tenants are notified of the potential re-inspection date and encouraged to contact the inspector to schedule an inspection if the repairs are completed prior to the set deadline.

b) A notice of violation is processed and mailed to the property owner, the payee, and the tenant.

c) A copy of the inspection report is given to the Housing Specialist who notifies the client of the inspection results.

d) The re-inspection should not be more than 30 days from the date of the initial inspection unless an extension has been requested and granted. A shorter time period will be given in cases where unsafe conditions are present.

3. Failed Inspection Timeline

a) Annual Inspection Failure

- Unsafe Condition Present - **24 hours** given for compliance
- Minor Code Violations Present - **Thirty (30)** calendar days given for compliance

b) First Re-Inspection Failure

- HAP payments to the landlord will be abated and/or client benefits will be suspended on the first day after the failed re-inspection.
- Abatement and/or suspension will continue until the unit is in full compliance.
- Participants will be offered the option to move, and given a voucher to find another unit to occupy.

c) Second Re-Inspection Failure

(Property owner/Landlord Responsible)

- HAP contract terminated if violations continue for 60 days after the initial inspection.
- The client will be issued a voucher to move.
- The dwelling unit will be removed from the HCV Program

(HCV Client Responsible)

- HCV benefits will be terminated on the date of failure.
- HCV client may request an Informal Hearing by contacting their Housing Specialist

Inspection Timeline for HCV Renewals – Effective January 1, 2009		
	Action	**Action**
Days Before Contract Renewal Date (These are "no later than" dates)	**Code Enforcement**	**Housing Specialist**
120	Mail Renewal Package and include notice with inspection timeline and consequences	
110		Participant calls to schedule inspection, or Specialist initiates contact and request tenants to schedule inspections
90	Deadline for first inspection. All inspections should have	Specialists should track and insure inspection of unit occurs before 90 days;

	occurred by now; All notices of violations should have been issued; All re-inspections of failed properties should be re-scheduled at the time of initial inspection	
60	All re-inspections should have occurred by the 21st day; Any request for extensions by the owner should be submitted in writing, and granted in writing; If unit fails and an extension is issued, extension is issued for 30 day maximum summons will not be issued for another 30 days; extension notice informs all a 30 day notice will be issued to the owner stating the HAP contract will be terminated if unit fails inspection after extension.	1) If unit fails and no extension is issued, abatement of rent starts 2) If unit fails and an extension was issued, rent will continue to be paid for another 30 days.
30	2nd re-inspection for all failed units that requested extensions If unit failed, Court action initiated and summonses are issued to responsible parties.	1) If unit passes, rent will continue to be paid for the balance of the current term and for the new term; 2) If unit failed, 30 day notice to owner HAP contract will be terminated.
0 Days (Renewal Date)	**All units should be compliant.**	HAP contracts are terminated for non-compliant units effective this day.

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS [24 CFR 982.502, 982.503, 982.504, 982.505, 982.507]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the "merger date". These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

All HCV participant families have been transitioned to the Housing Choice Voucher Program on or before October 1, 2001. Rent calculation methods for the Housing Choice Voucher Program are described at 24 CFR 982.505. The rent calculation formula is specific and is not subject to interpretation.

DHNP will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is DHNP's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This chapter explains DHNP's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The only limitation on the amount of rent to owner is rent reasonableness (CFR 982.507). DHNP must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

In conducting the rent reasonable analysis, the DHNP will utilize industry standard software approved and acceptable to the Department of Housing and Urban Development.

Another factor that needs to be accounted for with regard to the ability of a client to lease a particular unit is that at the time a family initially receives tenant-based assistance for occupancy of a dwelling unit (whether it is a new admission or a move to a different unit) is if the gross rent for the unit is greater than the payment standard for the family, the family share may not exceed 40 percent of the family's adjusted monthly income (CFR 982.508).

Except as provided in paragraph (a) 2 of 24 CFR 982.309, during the initial term of the lease, the owner/landlord may not raise the rent to tenant. The initial term must be no less than 12 months (one year).

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Upon approval of the Lease and execution of a Housing Assistance Payment Contract, the Rental Housing Administrator, Program Coordinator (Supervisor), or the Department Director will authorize the commencement of payments to the owner on behalf of the eligible family.

Payments are made on a monthly basis to owners, and DHNP processes payments twice a month. In general, DHNP will attempt to ensure that the monthly checks are received by the landlords by the first of each month. If the paperwork is not completed and processed by the payment deadline for the first of the month, DHNP processes a second check run on or about the fifteenth of each month. The initial payments for leases that begin after the first of the month will be prorated. Payments are made in accordance with the HAP and the approved lease for the unit. These payments will cover the difference between the contract rent (rent to owner) and the portion of rent payable by the family. All Payment requests must be signed by personnel authorized by the Director of the DHNP.

Payments are generated from the City of Virginia Beach Finance Department upon receipt of the check request/payment invoice from the DHNP. The check request/payment invoice details the payee, dollar amount of payment, type of payment, and the participant's name and address. The City's Finance Department assumes the responsibility for generating 1099's and for keeping the required documentation.

Excess Payments

The total rent paid by the tenant plus the DHNP housing assistance payment to the owner may not exceed the contract rent. In the event that the DHNP overpays an owner in error, the owner must immediately return any excess payment to DHNP.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to DHNP" Chapter 17 of this Administrative Plan.

Owners and tenants assisted by the Housing Choice Voucher program may not have unwritten financial agreements that exceed the rent to owner; such agreements are grounds for termination of the tenant's voucher and/or removal of the owner's property from the program.

Late Payments to Owners

It is a local business practice in the City of Virginia Beach for property managers and owners to charge tenants a reasonable late fee for rents not received by the owner or property manager by the due date, not withstanding any grace period which is typically five days past the first of the month.

Therefore, in keeping with generally accepted practices in the local housing market, DHNP must make housing assistance payments to the owner promptly and in accordance with the HAP contract.

DHNP will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond DHNP's control, such as a delay in the receipt of program funds from HUD. DHNP will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

DHNP will not use any program funds for the payment of late fee penalties to the owner.

File Documentation for Exceptions

All DHNP Rental Housing Staff are required to provide documentation in any file that has an exceptional issue which affects payment.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

DHNP will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs. Rent reasonableness will be conducted at initial move-ins and when a rent increase is requested by the landlord/owner.

DHNP will not approve a lease until DHNP determines that the initial rent to owner is a reasonable rent. DHNP must re-determine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

DHNP must re-determine rent reasonableness if directed by HUD and based on a need identified by DHNP's auditing system. DHNP may elect to re-determine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent.

The owner will be advised that by accepting each monthly housing assistance payment he/she will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give DHNP information on rents charged by the owner for other units in the premises or elsewhere. DHNP will only request information on the owner's units elsewhere if DHNP has cause to demonstrate that the owner has a tendency to charge higher rents to program participants or if needed for rent reasonableness comparables.

The following items will be used for rent reasonableness documentation:

Size (number of Bedrooms/square footage)

Location
Quality
Amenities (bathrooms, dishwasher, air conditioning, etc.)
Housing Services
Age of unit
Unit Type
Maintenance
Utilities

Documentation

Rent Reasonableness determinations should be documented in files. .

.Rent Reasonableness Methodology

DHNP utilizes HUD regulations on reasonable rent (24 CFR 982.4, 24 CFR 982.54(d) (15), 982.158(f) (7) and 982.507). The DHNP method is to consider the location, size, type, quality and age of the units, and the amenities, maintenance and utilities provided by the owner in determining comparability and the reasonable rent. Rent reasonableness is conducted at every initial move-in, unit transfer, request for rent increase from the owner, or if there is a 5% or more decrease in the published FMR in effect 60 days before the HAP anniversary.

From our SEMAP Methodology guide.

The market areas for rent reasonableness are zip codes and/or census within DHNP's jurisdiction.

Owners may provide third party rent reasonableness information for DHNP consideration.

DECONCENTRATION

DHNP Rental Housing Staff will perform outreach to encourage owners of suitable units located outside low income or minority concentration areas to participate in the HCV Program. Outreach determinations will take into consideration local rental market conditions in the City of Virginia Beach.

Outreach efforts may be conducted through landlord seminars, presentations to community group, civic leagues, local and regional training programs and conferences with various organizations. Additionally, newspaper notices may be published periodically to recruit new landlords for the program.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation, and at DHNP's discretion, the Voucher Payment Standard amount is set by DHNP between 90 percent and 110 percent of the HUD published FMR. This is

considered the basic range. DHNP reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, DHNP will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD.

DHNP may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. DHNP will not raise Payment Standards solely to make "high end" units available to Voucher holders. DHNP may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Rent to Owner Increases

DHNP may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

Financial Feasibility

Before increasing the Payment Standard, DHNP may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, DHNP will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by DHNP for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. OWNER PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM (24 CFR 982.308(g)

The owner is required to notify DHNP, in writing, at least sixty days before any change in rent is scheduled to go into effect. Any requested increase in rent will be subject to rent reasonableness requirements. See 24 CFR 982.503.

Chapter 12
RECERTIFICATIONS/REEXAMINATIONS
[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, DHNP will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertification and interim examinations will be processed in a manner that ensures families are given reasonable notice of any increase in families portion of rent. All annual activities will be coordinated in accordance with HUD regulations. It is a HUD requirement that families report all changes in household composition. This Chapter defines DHNP's policy for conducting annual recertification and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are two activities DHNP must conduct on an annual basis. These activities will be coordinated whenever possible:

Recertification of income and family composition

HQS inspection

DHNP produces a monthly listing of units under contract to ensure that timely reviews of housing quality and factors related to total tenant payment/family share can be made.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See "Housing Quality Standards and Inspections", Chapter 10.

Rent adjustments: See "Owner Rents, Rent Reasonableness and Payment Standards", Chapter 11.

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be re-certified/re-examined at least annually.

Income limits are not used as a test for continued eligibility at recertification

Moves Between Reexaminations

When families move to another dwelling unit, an annual recertification will be scheduled. The anniversary date will match the beginning date of the new lease.

Reexamination Notice to the Family

DHNP will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their appointment at least 120 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, DHNP will provide the notice in an accessible format. DHNP will also mail the notice to a third party, if requested as reasonable

accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Completion of Annual Recertification

DHNP will have all recertification for families completed before the anniversary date. DHNP should give families reasonable notice of any increase in families portion of rent. DHNP reserves the right to conduct a mail recert.

Persons with Disabilities

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

Collection of Information [24 CFR 982.516(f)]

DHNP has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

A DHNP representative will interview the family and have the family complete and sign, if necessary, recertification forms. The Housing Specialist will then review the information with the family.

Requirements to Attend

All adult household family members will be required to attend the recertification briefing/ interview.

Failure to Respond to Notification to Recertify

The family may call to request another appointment date no later than ten days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with DHNP, then the missed interview will be considered a violation of the family obligations. The DHNP will mail a second (2) notice. If the head of household does not respond to the second notice, a termination notice to both the participant and the owner will be mailed. The termination notice must also inform the participant of his or her right to a hearing. **(HCV Guidebook Chapter 12-3)**

Exceptions to these policies may be made by the HCV Administrator, Coordinator or Director of Housing, 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 person with a disability.

Documents Required From the Family [24 CFR 982.517a(2)]

In the notification letter to the family, DHNP will include instructions for the family to bring the following:

Documentation of all assets and income

Documentation of any deductions/allowances

Documentation of utilities

Verification of Information

DHNP will follow the verification procedures and guidelines described in Chapter 7 of this plan. Verifications for reexaminations must be no more than 120 days old on the re-exam effective date.

Tenant Rent Increases (HCV guidebook Chapter 12-6)

Increases are effective on the first day of the month after reasonable advance notice to the family.

Decreases in the family's share of the rent are effective on the first day of the month following the change. Tenant rent decreases do not require a 30 day notice.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date, even if the notice is mailed less than thirty days before the scheduled effective date, as long as it is received prior to the effective date.

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

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition within 5 days to DHNP. This includes additions due to birth, adoption, court-awarded custody or guardianship, and any marriages, and deaths. The family must obtain approval from V BDHNP prior to all other additions to the household.

If any new family member is added, family income must include any income of the new family

member. DHNP will conduct an interim reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Increases in Household Income

All increases in income must be reported in writing. **Participants have ten (10) days to report all increases in income. Families who fail to report changes in the household may be terminated and/or required to enter into a Repayment Agreement.**

Interim Reexamination Policy

DHNP will conduct interim reexaminations when families have an increase in income. DHNP will conduct interim reexaminations when families have an increase of $200 or more monthly.

Decreases in Income

Participants may report a decrease in income and other changes, in writing, which would reduce the amount of tenant rent. DHNP must calculate the change if a decrease in income is reported. The change in tenant income will become effective on the first of the month following the decrease notification providing verification is received.

DHNP Errors

If DHNP makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error. The family will not be charged retroactively. Decreases in rent will be retroactively applied, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

D. OTHER INTERIM REPORTING ISSUES

An interim reexamination does not affect the date of the annual recertification.

Any changes reported by participants other than those listed in this section will be noted in the file by the staff person but will not be processed between regularly-scheduled annual re-certifications.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS [24 CFR 5.615]

DHNP will not reduce the family share of rent for families whose welfare assistance is reduced due to sanctions, which is a reduction in benefits by the welfare agency specifically because of:

- Fraud in connection with the welfare program, or
- Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

However, DHNP will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits, or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, or
- A situation where a family member has not complied with other welfare agency requirements.

Imputed Welfare Income

The amount of annual income, not actually received by a family, as a result of a specified welfare benefit reduction, that is included in the family's income for purposes of determining rent.

The amount of imputed welfare income is determined by DHNP, based on written information supplied to DHNP by the welfare agency, including:

- The amount of the benefit reduction
- The term of the benefit reduction
- The reason for the reduction
- Subsequent changes in the term or amount of the benefit reduction

The family's annual income will include the imputed welfare income, as determined at the family's annual or interim reexamination, during the term of the welfare benefits reduction (as specified by the welfare agency).

The amount of imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted resident when the welfare sanction began, imputed welfare income will not be included in annual income.

If the family claims the amount of imputed welfare income has been calculated incorrectly, the HCV

Coordinator will review the calculation for accuracy. If the imputed welfare income amount is correct, DHNP will provide a written notice to the family that includes:

- A brief explanation of how the amount of imputed welfare income was determined;
- A statement that the family may request an informal hearing if they do not agree with DHNP determination.

If after the review the HCV Coordinator determines the calculation was incorrect, the imputed welfare income will be re-calculated, and an adjustment made to the tenant portion of rent.

Verification Before Denying a Request to Reduce Rent

DHNP will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements before denying the family's request for rent reduction.

DHNP will rely on the welfare agency's written notice to DHNP regarding welfare sanctions.

Cooperation Agreements [24 CFR 5.613]

DHNP has executed a Memorandum of Understanding with the local welfare agency to ensure timely and accurate verification of noncompliance.

F. NOTIFICATION OF RESULTS OF RECERTIFICATIONS [HUD Notice PIH 98-6]

The HUD Form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES [24 CFR 982.516(c)]

(See "Occupancy Standards", Chapter 5.)

H. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

[24 CFR 5.518; cv5.520]

Under the Noncitizens Rule, "mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

The Noncitizens Rule was implemented on or after November 29, 1996, and mixed families shall

receive prorated assistance as described in 24 CFR 5.520.

I. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, DHNP may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity, Addendum J-1.)

Chapter 13
MOVES WITH CONTINUED ASSISTANCE/PORTABILITY
[24 CFR 982.314, 982.353, 982.355(a)]

INTRODUCTION

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

A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if they meet one or more of the following criteria:

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

- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).

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

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

Families will not be permitted to move within VBDHNP's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside VBDHNP's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

VBDHNP may deny permission to move if there is insufficient funding for continued assistance. Moves within the City of Virginia Beach are allowed only if the new unit will result in a lower total tenant payment for the tenant.

VBDHNP will deny permission to move if:

* The family has violated a family obligation.

* The family owes VBDHNP money.

The HCV Administrator, Program Coordinator or Director of VBDHNP may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

Subject to the restrictions on moves, VBDHNP will issue the voucher to move immediately upon receiving a written move request from the family (see Notice Requirements below).

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

The annual recertification date will be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and VBDHNP proper written notice of any intent to move.

The family must give the owner a written intent to vacate notice within the required number of days specified in the lease and must give a copy to VBDHNP at the same time. A family's failure to comply will be a breach of family obligations under the program.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into VBDHNP's jurisdiction within the United States and its territories.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside VBDHNP's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a

family requests to move outside of VBDHNP's jurisdiction, the request must specify the area to which the family wants to move.

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

Restrictions on Portability

Applicants

If neither the head nor spouse had a domicile (legal residence) in VBDHNP's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher unless the portability request is a reasonable accommodation for a disabled family,.

Participants

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances.

- The request is a reasonable accommodation for a disabled family

VBDHNP will not permit families to exercise portability:

While operating under Insufficient Funding, if the receiving localities Payment Standards in effect are higher than VBDHNP's, and they refuse to absorb the voucher

- If the family is in violation of a family obligation.
- If the family owes money to VBDHNP.
- If the family has moved out of its assisted unit in violation of the lease.
- If the family is not income eligible for the receiving PHA's jurisdiction.

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Billing

The VBDHNP is currently not absorbing any Housing Choice Vouchers from other jurisdictions

VBDHNP will accept a family with a valid voucher from another jurisdiction and bill the jurisdiction . If VBDHNP decides to accept the voucher and bill the sending jurisdiction, the family will be issued a "portable" voucher by VBDHNP. The term of the voucher will not expire before the expiration date of any initial PHA voucher. The family must submit a request for

tenancy approval for an eligible unit to the receiving PHA during the term of the receiving PHA voucher. The initial PHA's voucher and the receiving PHA's policies to include occupancy, subsidy, and payment standards in affect will prevail.

VBDHNP will issue a "portability voucher" according to its own Subsidy Standards. If the family has a change in family composition which would change the voucher size, VBDHNP will change to the proper size based on its own Subsidy Standards.

VBDHNP will contact the initial or sending housing authority or agency and ask if the family is an Earned Income Disallowance (EID) family. If the family is an EID family, VBDHNP will request a written copy of the EID status.

VBDHNP will also contact the initial or sending housing Agency or agency and ask if the family is enrolled in the Family Self-Sufficiency (FSS) program. If the family is enrolled in the FSS program, VBDHNP will request the FSS record and a check for the FSS escrow amount, if any.

VBDHNP may grant voucher extensions in accordance with Chapter 8 of this plan. However, if the family decides not to lease-up in VBDHNP's jurisdiction, they must contact the initial PHA to request a change in the receiving PHA..

Income and Total Tenant Payment of Incoming Portables [982.353(d)]

As receiving PHA, VBDHNP will conduct a recertification interview but only verify the information provided if the documents are missing, or are over 60 days old, or if there has been a change in the family's circumstances.

If VBDHNP conducts a recertification of the family it will not cause a delay in the issuance of a voucher.

Requests for Tenancy Approval

A briefing will be mandatory for all portability families.

When the family submits a Request for Tenancy Approval, it will be processed using VBDHNP's policies.

If the family leases up successfully, VBDHNP will notify the initial PHA within ten days, and the billing process will commence.

VBDHNP will notify the initial PHA if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.

If VBDHNP denies assistance to the family, VBDHNP will notify the initial PHA within 10 days and the family will be offered a review or hearing.

VBDHNP will notify the family of its responsibility to contact the initial PHA if the family wishes to move outside VBDHNP's jurisdiction under continued portability.

Regular Program Functions

VBDHNP will perform all program functions applicable to the tenant-based assistance program, such as:

Annual reexaminations of family income and composition;

Annual inspection of the unit; and

Interim examinations when requested or deemed necessary by VBDHNP

Terminations

VBDHNP, if billing, will notify the initial PHA in writing of any termination of assistance within five days of the termination. If an informal hearing is required and requested by the family, the hearing will be conducted by VBDHNP, using the regular hearing procedures in Chapter 18 of this plan. A copy of the hearing decision will be furnished to the initial PHA.

The initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial PHA notifies VBDHNP that the family is in arrears or the family has refused to sign a payment agreement, VBDHNP will terminate assistance to the family.

Required Documents

As receiving PHA, VBDHNP will require the documents listed on the HUD Portability Billing Form from the initial PHA.

Billing Procedures

As receiving PHA, VBDHNP will bill the initial PHA monthly for housing assistance payments, administrative fees, and special claims.

VBDHNP will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify VBDHNP of changes in the administrative fee amount to be billed.

Chapter 14
CONTRACT TERMINATIONS
[24 CFR 982.311, 982.314]

INTRODUCTION

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

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP contract is the same as the term of the lease. The contract between the owner and VBDHNP may be terminated by VBDHNP, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by VBDHNP to the owner after the month in which the contract is terminated. The owner must reimburse VBDHNP for any subsidies paid by VBDHNP for any period after the contract termination date.

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

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

If the owner wishes to terminate the lease, the owner must provide proper notice as stated in the lease.

During the term of the lease the owner may only evict for:

- Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;
- Violations of Federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or criminal activity by the

tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises or any drug-related criminal activity on or near the premises.

- Other good cause.

During the initial term of the lease, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310)

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity regardless of arrest or conviction

Termination of Tenancy Decisions

If the law and regulation permit the owner to take an action but don't require action to be taken, the owner can decide whether to take the action. Relevant circumstances for consideration include:

- The seriousness of the offense
- The effect on the community
- The extent of participation by household members
- The effect on uninvolved household members
- The demand for assisted housing by families who will adhere to responsibilities
- The extent to which leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action
- The effect on the integrity of the program

Exclusion of culpable household member

The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit.

Consideration of Rehabilitation

When determining whether to terminate the tenancy for illegal drug use or alcohol abuse, the owner may consider whether the member:

- Is no longer participating in a rehab program.
- Has successfully completed a supervised drug or alcohol rehab program
- Has otherwise been successfully rehabilitated

The owner may require the tenant to submit evidence of any of the three (above).

Actions of termination by the owner must be consistent with the fair housing and equal opportunities as stated in 24 CFR 5.105.

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.

VBDHNP requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for VBDHNP's decision regarding termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP contract. If the owner has begun eviction and the family continues to reside in the unit, VBDHNP must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. If the action is finalized in court, the owner must provide VBDHNP with the documentation, including notice of the lock-out date.

VBDHNP must continue making housing assistance payments to the owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By endorsing the monthly check from VBDHNP, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if VBDHNP has no other grounds for termination of assistance, VBDHNP may issue a new voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY VBDHNP

[24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when VBDHNP terminates program assistance for the family, and when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" chapter)

VBDHNP may also terminate the contract if:

* VBDHNP terminates assistance to the family.

* The family is required to move from a unit when the unit does not meet the HQS space standards because of an increase in family size or a change in family composition.

* DHNP may terminate the HAP contract if we determine in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

In the event that terminations are necessary due to funding constraints we will develop a plan for termination based on family size and circumstances at the time. The plan will include the process for resumption of assistance once the financial constraint is resolved.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

When VBDHNP terminates the HAP contract under the violation of HQS space standards, VBDHNP will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which VBDHNP gives such notice to the owner.

Chapter 15
DENIAL, SUSPENSION, OR TERMINATION OF ASSISTANCE
[24 CFR 5.902, 5.902, 5.903, 5.905, 982.4, 982.54, 982.552, 982.553]

INTRODUCTION

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

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.54, 982.552, 982.553]

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

Form of Denial/Termination

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

- Denial for placement on VBDHNP's waiting list
- Denying 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 982.54 (d), 982.552(b), 982.553(a), 982.553(b)]

VBDHNP must terminate assistance for participants if the family is under contract and 180 days (or 12 months, depending on the HAP contract used) have elapsed since VBDHNP's last housing assistance payment was made. (See "Contract Terminations" chapter.)

VBDHNP must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.

VBDHNP must deny admission to the program for applicants, and terminate assistance for program participants if VBDHNP determines that any household member is currently engaging in illegal use of a drug. See section B of this chapter for VBDHNP's established standards.

VBDHNP *must* deny admission to the program for applicants, and terminate assistance for program participants if VBDHNP determines that it has reasonable cause to believe that a

household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. See Section B of this chapter for VBDHNP's established standards.

VBDHNP must deny admission to an applicant if VBDHNP determines that any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. See section B of this chapter for VBDHNP's established standards regarding criminal background investigation and determining whether a member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

VBDHNP must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

VBDHNP must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.

VBDHNP must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

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

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

- If any member of the family has been evicted from federally assisted housing in the last five years.
- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- If the family has engaged in or threatened abusive or violent behavior toward VBDHNP personnel. "Abusive or violent behavior towards VBDHNP 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.
- If any member of the family engages in, or has engaged in drug or alcohol abuse that interferes with the health, safety or peaceful enjoyment of other residents or if any member of the family commits drug-related criminal activity, or other criminal activity. (See Section B of this chapter and 982.553 of the regulations)
- If any member of the family has been convicted of a felony in the last five years commencing from the court disposition date.

- If any member of the family has been convicted of domestic or non-domestic violence in the last five years from the court disposition date.
- If the Head of Household is absent from the subsidized unit for either thirty (30) or more consecutive days or a total of a thirty (30) day maximum within a year's time. Absences of longer duration will be given special consideration and a possible exception granted.

  If a family is terminated for failure to occupy a unit, readmission after this action can only come about through replacement on the Waiting List when it is open.

Grounds For Suspension

A participant in the program may be suspended to permit adequate time for the family to document and explain the reason for a violation . During a suspension, HAP benefits will continued to be paid to the owner; UAP benefits to the customer will be held. The family will be required to repay VBDHNP for all housing assistance benefits during the suspension period if the suspension is upheld. Suspension is the last alternative to termination from the program.

- If any family member violates any family obligation under the program as listed in 24 CFR 982.551 with exception of criminal activity.
- If the family currently owes rent or other amounts to VBDHNP or to another PHA in connection with HCV or public housing assistance under the 1937. VBDHNP at its discretion may offer the family the opportunity to enter into a repayment agreement. VBDHNP will prescribe the terms of the agreement.
- If the family participating in an FSS program fails to comply, without good cause, with the family's FSS contract of participation.

Violence Against Women Act (VAWA)

a. VAWA prohibits the eviction of, and removal of assistance from, certain persons living in public or Section 8-assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (42 U.S.C. 13925) and was published in PIH Notice 2006-23 issued June 23rd, 2006.

b. No applicant for or participant in the HCV program who has been a victim of domestic violence, dating violence, or stalking shall be denied admission or assistance under the program if they are otherwise qualified.

c. An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good

cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

d. VBDHNP may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants (bifurcate).

e. VBDHNP will honor court orders regarding the rights of access or control of the property, issued to protect the victim and issued to address the distribution or possession or property among household members where the family "breaks up."

f. There is no limitation on the ability of VBDHNP to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a more demanding standard than non-victims.

g. There is no prohibition on VBDHNP terminating assistance if it can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) assistance is not terminated.

h. Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

i. As outlined in HUD notice H08-07 dated September 30, 2008, VBDHNP will require the Certification of Domestic Violence, Dating Violence, or Stalking Form HUD 91066, and also HUD form 91067 Lease Addendum which will revise the existing lease to reflect the statutory requirements of VAWA, to be completed and maintained with the tenants case file. These forms are required to be attached to each existing and/or new lease for cases which fall under VAWA laws.

j. Definitions

The same definitions of "domestic violence," "dating violence," and "stalking," and of "immediate family member" are provided in Sections 606 and 607. While definitions of domestic and dating violence refer to standard definitions in the Violence Against Women Act, the definition of stalking provided in Title VI is specific to the housing provisions. These are:

Domestic Violence – [as defined in Section 40002 of VAWA 1994] 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 cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other

person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

Dating Violence – [as defined in Section 40002 of VAWA 1994] means violence committed by a person:

(1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) where the existence of such a relationship shall be determined based on a consideration of the following factors:
(i) The length of the relationship.
(ii) The type of relationship.
(iii) The frequency of interaction between the persons involved in the relationship."

Stalking – [as defined in Section 40002 of VAWA 1994]"means to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and 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 that person, a member of the immediate family of that person, or the spouse or intimate partner of that person.

Immediate Family Member - "means a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or any other person living in the household of that person and related to that person by blood or marriage

k. VBDHNP will require certification of victim status on the HUD-91066, Certification of Domestic Violence, Dating Violence, or Stalking, and HUD-91067 Lease Addendum.

l. Certification must be provided by the individual within 14 days after request by the HCV case manager or coordinator. If certification is not provided within 14 days, then the individual may be denied admission or terminated.

m. All information provided to VBDHNP pursuant to this section will be retained in strict confidence and will not be entered into a shared database or provided to any other entity. Disclosure is only allowable to the extent that disclosure is requested or consented to in writing by the individual.

B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of VBDHNP to fully endorse and implement a policy designed to:

- Help create and maintain a safe and drug-free community
- Keep our program participants free from threats to their personal and family safety
- Support parental efforts to instill values of personal responsibility and hard work
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration

All screening and termination of assistance procedures shall be administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex, or other legally protected groups.

To the maximum extent possible, VBDHNP will involve other community and governmental entities in the promotion and enforcement of this policy.

Screening of Applicants

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by 24 CFR 982, Subpart L and CFR Part 5, Subpart J, VBDHNP will endeavor to screen applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior.

Such screening will apply to any member of the household.

HUD Definitions

Covered person, for purposes of 24 CFR Part 982 and this chapter, means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

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

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Guest, for purposes of this chapter and 24 CFR part 5, subpart A and 24 CFR Part 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

Household, for the purposes of 24 CFR Part 982 and this chapter, means the family and VBDHNP-approved live-in aide.

Other person under the tenant's control, for the purposes of the definition of *covered person* and for 24 CFR Parts 5 and 982 and for this chapter, means that the person, although not staying as a guest (as defined in this chapter) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control.*

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Standard for Violation

VBDHNP may deny participation in the program to applicants and terminate assistance to participants in cases where VBDHNP determines there is reasonable cause to believe that a household member is illegally using a drug or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where VBDHNP determines that there is a pattern of illegal use of a drug or a pattern of alcohol abuse.

VBDHNP may consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous three months.

"Engaged in or engaging in" violent criminal activity means any act within the 5 years from the court disposition date 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, did or did not result 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.

In evaluating evidence of negative past behavior, VBDHNP will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Drug Related and Violent Criminal Activity

Ineligibility for admission if Evicted for Drug-Related Activity: Persons evicted from federally assisted housing because of drug-related criminal activity are ineligible for admission to the HCV program for a 5 year period beginning on the date of such eviction.

However, the household may be admitted if, after considering the individual circumstances of the household, VBDHNP determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a local, state, or federal government supervised or certified drug rehabilitation program
- The circumstances leading to eviction no longer exist because:
  - 〈 The criminal household member has died.
  - 〈 The criminal household member is imprisoned.

Applicants will be denied assistance if they have been evicted from federally assisted housing for violent criminal activity within the last 5 years prior to the date of the certification interview.

Termination of Assistance for Participants

Termination of Assistance for Drug-related Criminal Activity or Violent Criminal Activity:

Under the family obligations listed at 24 CFR 982.551, the members of the household must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. HUD regulations at 24 CFR 982.553(b) require VBDHNP to establish standards for termination of assistance when this family obligation is violated. VBDHNP has established the following standards for termination of assistance for the family when a household member has violated the family obligation to refrain from participating in drug-related or violent criminal activity.

Assistance will be terminated for participants who have been evicted from a unit assisted under any Federally assisted housing program for drug-related or violent criminal activity during participation in the program, and within the last 5 years prior to the date of the notice to terminate assistance.

If any member of the household violates the family obligations by engaging in drug-related or violent criminal activity, VBDHNP will terminate assistance.

In appropriate cases, VBDHNP may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, VBDHNP may consider individual circumstances with the advice of Juvenile Court officials.

VBDHNP will waive the requirement regarding drug-related criminal activity if:

- The person demonstrates successful completion of a local, state, or federal supervised or certified rehabilitation program approved by the VBDHNP, or
- The circumstances leading to the violation no longer exist because the person who engaged in drug-related criminal activity or violent criminal activity is no longer in the household due to death or incarceration.

Terminating Assistance for Alcohol Abuse by Household Members

Under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if VBDHNP determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Assistance will be terminated if a household member is arrested and/or convicted and/or incarcerated] for any alcohol-related criminal activity on or near the premises within any 6 month period.

In appropriate cases, VBDHNP may permit the family to continue receiving assistance provided that household members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, VBDHNP may consider individual circumstances with the advice of Juvenile Court officials.

Notice of Termination of Assistance

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

- The reason(s) for the proposed termination,
- The effective date of the proposed termination,
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
- The date by which a request for an informal hearing must be received by VBDHNP.

If VBDHNP proposes to terminate assistance for criminal activity as shown by a criminal record, VBDHNP will provide the subject of the record with a copy of the criminal record.

VBDHNP 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

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.

VBDHNP will terminate assistance for criminal activity by a household member if VBDHNP determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

VBDHNP will pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

VBDHNP will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed, will be housed in a locked file with access limited to individuals responsible for screening and determining eligibility for initial and continued assistance.

Misuse of the above information by any employee will be grounds for termination of employment. Legal penalties for misuses are contained in state and/or federal codes.

If the family is determined eligible for initial or continued assistance, the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made.

VBDHNP will document in the family's file the circumstances of the criminal report.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

The family must supply any information that VBDHNP or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR 982.551). "Information" includes any requested certification, release or other documentation.

The family must supply any information requested by VBDHNP or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

All information supplied by the family must be true and complete.

The family is responsible for an HQS breach caused by the family as described in 982.404(b).

The family must allow VBDHNP to inspect the unit at reasonable times and after reasonable notice.

The family may not commit any serious or repeated violations of the lease.

The family must notify the owner and, at the same time, notify VBDHNP before the family moves out of the unit or terminates the lease upon notice to the owner.

The family must promptly give VBDHNP a copy of any owner eviction notice.

The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

The composition of the assisted family residing in the unit must be approved by VBDHNP. The family must promptly inform VBDHNP of the birth, adoption or court-awarded custody of a child. The family must request VBDHNP approval to add any other family member as an occupant of the unit.

The family must promptly notify VBDHNP if any family member no longer resides in the unit.

If VBDHNP has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or VBDHNP approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family and if such activities are permitted by the landlord as described in the lease.

The family must not sublease or let the unit.

The family must not assign the lease or transfer the unit.

The family must supply any information or certification requested by VBDHNP to verify that the family is living in the unit, or relating to family absence from the unit, including any VBDHNP-requested information or certification on the purposes of family absences. The family must cooperate with VBDHNP for this purpose. The family must promptly notify VBDHNP of absence from the unit.

The family must not own or have any interest in the unit.

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

The household members may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. An assisted family, or members of the family, may not receive HCV tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

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, VBDHNP has discretion to consider all of the circumstances in each case, including the seriousness of the case. VBDHNP 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. VBDHNP may 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.

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

Enforcing Family Obligations

Explanations and Terms

The term "promptly" when used with the family obligations always means "within 5 working days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach

The HQS inspector or the HQS inspector's supervisor will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the HQS inspector or the HQS inspector's supervisor.

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

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

Nonpayment of rent is considered a serious violation of the lease.

Notification of Eviction

If the family requests assistance to move and they did not notify VBDHNP of an eviction within 5 working days of receiving the Notice of Lease Termination, the move will be denied.

Proposed Additions to the Family

VBDHNP 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 24 CFR 982.51 of the HUD regulations.
- Persons who have been part of a family whose assistance has been terminated under the Voucher program.
- Persons who commit drug-related criminal activity or violent criminal activity.
- Persons who do not meet VBDHNP's definition of family.
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Persons who currently owe rent or other amounts to VBDHNP or to another PHA in connection with HCV or public housing assistance under the 1937 Act.
- Persons who have engaged in or threatened abusive or violent behavior toward VBDHNP personnel.

Family Member Moves Out

Families are required to notify VBDHNP within 5 days if any family member leaves the assisted household. When the family notifies VBDHNP, they must furnish the following information:

- The date the family member moved out.
- Verification of the new address, if known, of the family member.
- A statement as to whether the family member is temporarily or permanently absent.

Limitation on Profit-Making Activity in Unit

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If VBDHNP 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.

If VBDHNP determines the business is not legal, it will be considered a program violation.

Interest in Unit

The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family, unless the family owns the mobile home and rents the pad.

Fraud

In each case, VBDHNP will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claims: (See section below)

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

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. VBDHNP must offer the family an opportunity for a hearing. (See "Eligibility for Admission" Chapter 2, Section E on Citizenship/Eligible Immigration Status.)

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

False or Incomplete Information

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

If the individual is unable to verify their citizenship, VBDHNP will not give him/her an opportunity to provide a new declaration as an eligible immigrant or an opportunity to elect not to contend their status.

VBDHNP will then verify eligible status, deny, terminate, or prorate as applicable.

VBDHNP will deny or terminate assistance based on the submission of false information or misrepresentation.

Procedure for Denial or Termination

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

After VBDHNP has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

E. ZERO ($0) ASSISTANCE TENANCIES [24 CFR 982.455 (a)]

The family may remain in the unit at $0 assistance for up to 180 days after the last HAP payment. If, within the 180 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, VBDHNP will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552(c)]

If the family has intentionally misrepresented any facts that caused VBDHNP to overpay assistance, VBDHNP will terminate the HCV assistance, and execute a Repayment Agreement. The family has a right to appeal the termination, and will be given instructions on how to request an appeals hearing.

G. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, VBDHNP will deny or terminate assistance.

In making this determination, VBDHNP will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

H. 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 VBDHNP to fulfill its responsibilities. VBDHNP schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow VBDHNP to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying VBDHNP, will be sent a Notice of Suspension or Termination of Assistance for failure to provide required information, or for failure to allow VBDHNP to inspect the unit.

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
- Recertifications
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency
- Incarceration
- Family emergency

Chapter 16
OWNER DISAPPROVAL AND RESTRICTION
[24 CFR 982.54, 982.306, 982.453]

INTRODUCTION

It is the policy of VBDHNP to recruit owners to participate in the voucher program. VBDHNP will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of VBDHNP. The regulations define when VBDHNP must disallow an owner participation in the program, and they provide VBDHNP discretion to disapprove or otherwise restrict the participation of owners in certain categories. This chapter describes the steps the division will take in owner outreach, as well as what the criteria for owner disapproval will be, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

VBDHNP will disapprove the owner for the following reasons:

HUD has informed VBDHNP that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed VBDHNP that the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such action is pending.

HUD has informed VBDHNP that a court or administrative agency has determined that the has owner violated the Fair Housing Act or other Federal equal opportunity requirements. Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. VBDHNP will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

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

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 fraud, bribery or any other corrupt act in connection with any Federal housing program.

The owner has engaged in drug-related criminal activity or any violent criminal activity.

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program.

The owner has a history or practice of renting units that fail to meet State or local housing codes.

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, of employees of VBDHNP, 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; or Is drug-related criminal activity or violent criminal activity;

The owner has not paid State or local real estate taxes, fines 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.

ANNUAL FAIR HOUSING TRAINING

As per Voluntary Compliance Agreement Case Number 03-07-R037-6 executed September 2, 2008 between the City of Virginia Beach and the Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, landlords who participate in the Housing Choice Voucher Program in our Jurisdiction are required to receive annual Fair Housing Training certification as a condition of participating in our program. Any Landlord who fails without good cause to follow our Annual Fair Housing Training requirements, will be terminated from participating in our Housing Choice Voucher program.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, VBDHNP will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. VBDHNP may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner VBDHNP 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.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

C. CHANGE IN OWNERSHIP

A change in ownership does require execution of a new contract and lease.

VBDHNP will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title, recorded deed and the employee identification number or social security number of the new owner .

Chapter 17

OWNER OR FAMILY DEBTS TO VBDHNP

[24 CFR 982.552]

INTRODUCTION

This chapter describes VBDHNP'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 VBDHNP'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 VBDHNP'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 VBDHNP, VBDHNP will make every effort to collect it. VBDHNP will use a variety of collection tools to recover debts including, but not limited to:

* Requests for lump sum payments

* Civil suits

* Repayment Agreements

* Withholding of future HAP payments to offset debt

* Collection agencies

* Credit bureaus

* Income tax set-off programs

* Treasurers Liens

A. REPAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (c)(v-vii)]

A repayment agreement is a formal document signed by a tenant or owner and provided to VBDHNP in which a tenant or owner acknowledges a debt owed to VBDHNP, in a specific amount, and agrees to repay the amount due at specific time period (s).

VBDHNP will prescribe the terms of the Repayment Agreement, including determining whether to enter into a Repayment Agreement with the family based on the circumstances surrounding the debt to VBDHNP.

B. DEBTS OWED TO VBDHNP [24 CFR 792.103,982.552 (c)(v-vii)]

If the family breaches an agreement with the VBDHNP to pay amounts owed to us or amounts paid to an owner (overpayment) by us (the VBDHNP, at our discretion, may offer a family the

opportunity to enter into a Repayment Agreement to repay amounts owed to VBDHNP or repay VBDHNP for an amount due to an overpayment of HAP funds to an owner.

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 Repayment as per the Agreement is in arrears, and the family has not contacted or made arrangements with VBDHNP, VBDHNP will issue a 30 day notice to terminate the housing assistance and pursue civil collection of the balance due. The tenant will be advised of their right to appeal the termination, and request an Appeals Hearing.

If the family requests a move to another unit and has a Repayment Agreement in place for the repayment of an overpayment of HAP funds made to an owner, and the Repayment Agreement is not in arrears, the family will be permitted to move.

If the family requests a move to another unit and is in arrears on a Repayment Agreement for the payment of an overpayment of HAP funds made to an owner, the family must pay the past due amount before being permitted to move.

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

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

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

Family Error/ Late Reporting

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

Program Fraud

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

D. DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP

If the family owes VBDHNP money for rent arrears incurred during the minimum rent period, VBDHNP will calculate the total amount owed and divide it by 12 to arrive at a reasonable payback amount that the family will be required to pay to VBDHNP monthly in addition to the family's regular monthly rent payment to the owner. The family will be required to pay the increased amount until the arrears are paid in full to VBDHNP.

If the family goes into default on the Repayment Agreement for back rent incurred during a minimum rent period, VBDHNP will reevaluate the family's financial situation and determine whether the family has the ability to pay the increased rent amount and if not, restructure the existing Repayment Agreement.

E. GUIDELINES FOR REPAYMENT AGREEMENTS [24 CFR 982.552(c)(v-vii)]

Repayment Agreements will be executed between VBDHNP and the head of household/co-head or head of household and spouse.

Payments may be made by cash, money order or cashier's check.

The agreement will be in default when a payment is delinquent by the 10th day of the month.

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Rental Housing Administrator, or Program Coordinator. An amended Repayment Agreement will be executed.

No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the Repayment Agreement is current:

* Family size exceeds the HQS maximum occupancy standards
* The HAP contract is terminated due to owner non-compliance or opt-out
* A natural disaster

Additional Monies Owed: If the family already has a Repayment Agreement in place and incurs an additional debt to VBDHNP, upon review and approval of the Rental Housing Administrator, or Program Coordinator, the additional debt may be added to the existing Repayment Agreement, and an amended Repayment Agreement will be executed.

F. OWNER DEBTS TO VBDHNP [24 CPR 982.453(b)]

If VBDHNP determines that the owner has retained housing assistance or claim payments the owner

is not entitled to, VBDHNP 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, VBDHNP will enter into a Repayment Agreement with the owner for the amount owed.

If the owner falls in arrears, VBDHNP will purse collections through the local court system and the
owner will be restricted from future participation.

Chapter 18
COMPLAINTS AND APPEALS
[24 CFR 982.54(d) (12), 982.554,982.555(a-f), 982.54(d) (13)

INTRODUCTION

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

A. COMPLAINTS TO DHNP

DHNP will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. DHNP does require that complaints other than HQS violations be put in writing or via by telephone. HQS complaints may be reported by telephone.

DHNP Informal Reviews/Hearings procedures will be provided to families in the briefing packet.

Categories of Complaints

Complaints from families/ owners: If a family/owner disagrees with an action or inaction of DHNP, it will be referred to the HCV Program Coordinator. If a complaint is not resolved, it will be referred to the Rental Housing Administrator.

Complaints from staff: If a staff person reports an owner either violating or not complying with program rules, the complaint will be referred to the HCV Program Coordinator.

Complaints from the general public: Complaints or referrals from the general public in regard to DHNP, a family or an owner will be referred to the HCV Program Coordinator. If a complaint is not resolved, it will be referred to the Rental Housing Administrator.

B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS

[24 CFR 982.54(d) (12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an Informal Review.

When DHNP 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 doesn't agree with the decision

» The time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, DHNP will provide the subject of the record with a copy of the criminal record upon which the decision to deny was based.

DHNP must provide applicants with the opportunity for an Informal Review of decisions denying:

- Listing on DHNP's waiting list
- Issuance of a voucher
- Participation in the program
- Assistance under portability procedures

Informal Reviews are not required for established policies and procedures and DHNP determinations such as:

» Discretionary administrative determinations by DHNP

» General policy issues or class grievances

» A determination of the family unit size under DHNP subsidy standards

» Refusal to extend or suspend a voucher

» A DHNP 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 in writing by the close of the business day, no later than 10 working days from the date of DHNP's notification of assistance denial. The informal review will be scheduled.

The Informal Review may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

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

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

A notice of the review findings will be provided in writing to the applicant within ten (10) business days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

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

C INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d) (13)]

When DHNP makes a decision to terminate assistance, participants must be notified in writing. DHNP will give the family prompt notice of such determinations which will include:

- The proposed action or decision of DHNP
- The date the proposed action or decision will be effective
- An explanation of the basis for DHNP's decision
- The procedures for requesting a hearing if the family disputes the action or decision
- The time limit for requesting the hearing

- To whom the hearing request should be addressed
- A copy of DHNP's hearing procedures

When terminating assistance for criminal activity as shown by a criminal record, DHNP will provide the subject of the record with a copy of the criminal record upon which the decision to terminate was based.

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

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under DHNP subsidy standards
- Determination to terminate assistance for any reason
- Determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account

DHNP must always provide the opportunity for an Informal Hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and DHNP determinations such as:
» Discretionary administrative determinations by DHNP

» General policy issues or class grievances

»Establishment of DHNP schedule of utility allowances for families in the program

»A DHNP determination not to approve an extension or suspension of a voucher term

»A DHNP determination not to approve a unit or lease

»A DHNP determination that an assisted unit is not in compliance with HQS (DHNP must provide A hearing for family breach of HQS because that is a family obligation determination)

»A DHNP determination that the unit is not in accordance with HQS because of the family size.

»A DHNP determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is DHNP'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, DHNP will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When DHNP receives a request for an Informal Hearing, a hearing shall be scheduled within 5 working 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 DHNP upon which DHNP based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 5 working days before the hearing date.

» A notice to the family that DHNP will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than 5 working days before the hearing date.

DHNP's Hearing Procedures

After a hearing date has been scheduled, 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, DHNP will reschedule the hearing only if the family can show good cause for the failure to appear. If the family contacts the office within one working day, but fails to show good cause for not appearing, the termination will stand.

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

- Examine the documents in the file which are the basis for DHNP's action, and all documents submitted to the Hearing Officer, except for police reports. which are maintained in the Professional Standards office of the Police Department

- Copy any relevant documents at their expense;

- Present any information or witnesses pertinent to the issue of the hearing;

- Request that DHNP staff be available or present at the hearing to answer questions pertinent to the case; and

- Be represented by legal counsel, advocate, or other designated representative at their own expense.

In addition to other rights contained in this Chapter, DHNP 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 an attorney present; and

» Have staff persons and other witnesses familiar with the case present.

The Informal Hearing will be conducted by a panel of no less than two staff members who are not associated with the Rental Housing Division

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 before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, without good cause, the action of DHNP shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of DHNP 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.

Upon approval, the notice of hearing findings shall be provided to the family within 14 days and shall include:

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

DHNP is not bound by hearing decisions:

» Which conflict with or contradict 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.

DHNP shall send a letter to the participant if it determines DHNP is not bound by the Hearing Officer's determination within 14 working days. The letter shall include DHNP's reasons for the decision.

E. HEARING AND APPEAL 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 DHNP hearing is pending but assistance to an applicant may be delayed pending a DHNP 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, DHNP 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 DHNP either in lieu of or subsequent to the INS appeal.

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

The request for a DHNP hearing must be made within ten working days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within ten working 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 DHNP 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, DHNP will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

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

F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CPR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or DHNP is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the Informal Review/Hearing process.

Examples of mitigating circumstances are:

a) A person with a cognitive disorder may not have understood the requirement to report increases in income,

b) A person may not understand the need to make regular repayments on a promissory note,

c) Minor criminal records for public drunkenness or incarcerations for being disorderly may be due to emotional disorder.

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

Chapter 19
PROJECT BASED VOUCHERS

INTRODUCTION {24CFR 983.5]

The project-based voucher (PBV) program allows VBDHNP to administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its voucher program budget VBDHNP and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. VBDHNP may only operate a PBV program if doing so is consistent with our Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

The VBDHNP will operate a project-based voucher program using up to 20 percent of its budget VBDHNP for project-based assistance.

HUD permits PBV assistance to be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. However, at this time only newly constructed housing shall be eligible for the VBDHNP PBV program. Regulations governing rehabilitated and existing housing are not applicable at this time.

If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, the VBDHNP is not required to reduce the number of these units if the amount of the budget for VBDHNP is subsequently reduced. However, the VBDHNP is responsible for determining the amount of budget that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC [24 CFR 983.6].

A. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, the VBDHNP's policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants.

Provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

B. RELOCATION REQUIREMENTS [24 CFR 983.7]

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

Equal Opportunity Requirements [24 CFR 983.8]
The VBDHNP will comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, the VBDHNP will comply with the Agency Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

GENERAL PROVISIONS

No statement in this Plan regarding the VBDHNP'S obligations or responsibilities shall relieve an owner from any obligation or responsibility of owner under the PBV program, including without limitation applicable law, regulations, this Plan, any Agreement to enter into HAP, and any HAP contract. Where owner shall fail to comply with any obligation or responsibility of owner, VBDHNP shall have no liability to owner, regardless of any action or inaction by the VBDHNP. Nor shall any owner be deemed or construed an intended beneficiary of any responsibility or obligation of VBDHNP hereunder except where expressly stated.

C. PBV OWNER PROPOSALS

Introduction
The VBDHNP will describe the procedures for owner submission of PBV proposals and for its selection of PBV proposals [24 CFR 983.51]. Before selecting a PBV proposal, the VBDHNP will determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per building [24 CFR 983.56], and meets the site selection standards [24 CFR 983.57].

Owner Proposal Selection Procedure [24 CFR 983.51]
The VBDHNP will select PBV proposals in accordance with the selection procedures in its administrative plan. The VBDHNP will select PBV proposals by the following methods:

Solicitation and Selection of PBV Proposals in accordance with 17.II.B.1 [24 CFR 983.51(b) and (c)]

VBDHNP Request for Proposals for Newly Constructed Units
The VBDHNP will advertise its request for proposals (RFP) for newly constructed housing in the following newspaper.
The Virginian Pilot
In addition, the VBDHNP will post the RFP and proposal submission and rating and ranking procedures on its electronic web site, if any.
The VBDHNP will publish its advertisement in the newspaper mentioned above for at least one day per week for three consecutive weeks. The advertisement will specify the number of units the VBDHNP estimates that it will be able to assist under the funding the VBDHNP is making available. Proposals will be due in the VBDHNP office by close of business 30 calendar days from the date of the last publication.
In order for the proposal to be considered, the owner must submit the proposal to the VBDHNP by

the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.

The VBDHNP will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

- Owner experience and capability to build or rehabilitate multifamily housing as identified in the RFP;

- Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program;

- Extent to which the project furthers the VBDHNP's goal of deconcentrating poverty and expanding housing and economic opportunities;

- Location of the Project in a Revitalization Area as defined by HUD.

- Compliance with all HUD Equal Opportunity and Civil Rights requirements including Section 504, Fair Housing and Section 3.

- If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and;

- Projects with less than 25 percent of the units assisted will be rated higher than projects with 25 percent of the units assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, the VBDHNP will rate partially assisted projects on the percent of units assisted. Projects with the lowest percent of assisted units will receive the highest score under this criterion.

The VBDHNP reserves the right to request at any time additional information regarding any proposal received, including without limitation, a site plan, construction plans, and budgetary information. The VBDHNP reserves the right to reject all proposals received. Regardless of whether any proposal is accepted, the VBDHNP shall have no responsibility or liability to any owner for any cost incurred in developing or submitting a proposal, or in any other way related to VBDHNP'solicitation.

Selection of PBV Proposals in accordance with 17.II.B.2

VBDHNP Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

The VBDHNP will review proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

Owners may submit unsolicited proposals for review by the VBDHNP under this Section.
In addition, the VBDHNP may periodically advertise that it is seeking proposals under this Section in the following newspaper:
The Virginian Pilot
The VBDHNP reserves the right to request at any time additional information regarding any proposal received in response to such a solicitation, including without limitation, a site plan, construction plans, and budgetary information. The VBDHNP reserves the right to reject all proposals received. Regardless of whether any proposal is accepted, the VBDHNP shall have no responsibility or liability to any owner for any cost incurred in developing or submitting a proposal, or in any other way related to VBDHNP's solicitation.
The VBDHNP may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.
Proposals will be reviewed on a first-come first-served basis. The VBDHNP will evaluate each proposal on its merits using the following factors:

- Owner experience and capability to build or rehabilitate multifamily housing;
- Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program;
- Extent to which the project furthers the VBDHNP's goal of deconcentrating poverty and expanding housing and economic opportunities; and
- Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.
- Location of the Project in a Revitalization Area as defined by HUD.
- Compliance with all HUD Equal Opportunity and Civil Rights requirements including Section 504, Fair Housing and Section 3.

Unsolicited proposals hereunder may be submitted at any time to the offices of the VBDHNP: 801 Water Street, Suite 200, Virginia Beach, VA 23704, Attn: Delores Adams. The VBDHNP reserves the right to request at any time additional information regarding any proposal received, including without limitation, a site plan, construction plans, and budgetary information. The VBDHNP shall notify any owner submitting an unsolicited proposal whether the proposal has been approved or rejected within 120 calendar days of receipt, subject to the proposed timely providing all additional materials and information which the VBDHNP may request.

Without limitation, no proposal will be considered and/or approved unless vouchers are available to the VBDHNP for PBV assistance and the use of available vouchers for PBV assistance is in the best interest of the VBDHNP and HCV recipients and applicants, as determined by the VBDHNP. To receive consideration, a proposal must comply with all applicable HUD regulations and requirements as set forth herein and at 24 CFR Part 983.
Regardless of whether any proposal is accepted, the VBDHNP shall have no responsibility or liability to any owner for any cost incurred in developing or submitting a proposal under this Section, regardless of whether the proposal is solicited or unsolicited.

Effect of Approval/Selection of PBV Proposal by VBDHNP
Approval or selection of a proposal submitted in accordance with either Section 17.II.B.1 or Section 17.2.B.II shall not constitute a binding agreement by the VBDHNP to enter into an Agreement to enter into HAP Contract, nor shall it create any legal right in owner to participation in the PBV program. Any such rights shall accrue only upon execution by all parties of an Agreement to enter into HAP Contract and shall be limited in accordance with the terms and conditions set forth therein. The VBDHNP reserves the right to terminate negotiation of an Agreement to enter into HAP Contract at any time for any reason not in violation of applicable constitutional or statutory law or HUD regulations.

Except as the VBDHNP may expressly agree, and subject to applicable law, regulations, and HUD guidance, on and after selection/approval of an owner's proposal, the owner shall be solely responsible for all direct costs incurred by the VBDHNP (including without limitation legal costs) related to owner's proposal, the negotiation of any Agreement to enter into HAP Contract, and execution of any HAP Contract, regardless of whether negotiations are terminated prior to execution of any Agreement to enter into HAP Contract and/or any HAP. No such costs shall be charged by owner to any family renting a PBV unit.

Notice of Owner Selection [24 CFR 983.51(d)]
Within 10 business days of the VBDHNP making the selection, the VBDHNP will notify the selected owner in writing of the owner's selection for the PBV program. The VBDHNP will also notify in writing all owners that submitted proposals in response to an VBDHNP solicitation that were not selected and advise such owners of the name of the selected owner.

In addition, the VBDHNP will publish its notice for selection of PBV proposals for two consecutive days in the same newspaper it used to solicit the proposals (or the Virginian Pilot if there was no public solicitation). The announcement will include the name of the owner that was selected for the PBV program. The VBDHNP will also post the notice of owner selection on its electronic web site, if any.
The VBDHNP will make available to any interested party its rating and ranking sheets and documents that identify the VBDHNP basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one month after publication of the notice of owner selection. The VBDHNP will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.
The VBDHNP will make these documents available for review at the VBDHNP during normal business

hours. The cost for reproduction of allowable documents will be $.25 per page.

Housing Type [24 CFR 983.52]
The VBDHNP must decide what housing type, new construction, rehabilitation, or existing housing, will be used to develop project-based housing. The VBDHNP choice of housing type must be reflected in its solicitation for proposals. AT THIS TIME, ONLY NEW CONSTRUCTION UNITS SHALL BE ELIGIBLE FOR PARTICIPATION IN THE PBV PROGRAM. This is to support the construction of new, well-constructed affordable housing in the City of Virginia Beach.

D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS

Ineligible Housing Types [24 CFR 983.53]
The VBDHNP may not attach or pay PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (except that assistance may be provided in assisted living facilities); units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; cooperative housing; and transitional housing. In addition, the VBDHNP may not attach or pay PBV assistance for a unit occupied by an owner and the VBDHNP may not select or enter into an agreement to enter into a HAP contract or HAP contract for a unit occupied by a family ineligible for participation in the PBV program.

High-rise Elevator Projects for Families with Children [24 CFR 983.53(b)]
The VBDHNP will not use high-rise elevator projects for families with children.

Subsidized Housing [24 CFR 983.54]
VBDHNP may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that a VBDHNP may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;

- A Section 101 rent supplement project;
- A unit subsidized with any form of tenant-based rental assistance;
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or the VBDHNP in accordance with HUD requirements.

E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55]

The VBDHNP may provide PBV assistance only in accordance with HUD subsidy layering regulations [24 CFR 4.13] and other requirements.

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

The VBDHNP must submit the necessary documentation to HUD for a subsidy layering review. We may not enter into an agreement to enter into a HAP contract or a HAP contract until HUD (or an independent entity approved by HUD) has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

F. CAP ON NUMBER OF PBV UNITS IN EACH BUILDING

25 Percent per Building Cap [24 CFR 983.56(a)]

In general, VBDHNP may not select a proposal to provide PBV assistance for units in a building or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a building, if the total number of dwelling units in the building that will receive PBV assistance during the term of the PBV HAP contract is more than 25 percent of the number of dwelling units (assisted or unassisted) in the building.

Exceptions to 25 Percent per Building Cap [24 CFR 983.56(b)]

Exceptions are allowed and PBV units are not counted against the 25 percent per building cap if:

- The units are in a single-family building (one to four units);
- The units are *excepted units* in a multifamily building because they are specifically made available for elderly or disabled families or families receiving supportive services (also known as *qualifying families*).

(Must include in this plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided)

The VBDHNP will not impose a cap on excepted units in multifamily buildings at this time.

G. SITE SELECTION STANDARDS

Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]

The VBDHNP will not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an agreement to enter into a HAP contract or HAP contract for units on the site, unless we have determined that PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for deconcentrating poverty and expanding housing and economic opportunities must be consistent with the VBDHNP Plan under 24 CFR 903 and this administrative plan.

In addition, prior to selecting a proposal, the VBDHNP will determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable Civil Rights Laws, regulations, and Executive Orders, and that the site meets the HQS site and neighborhood standards at 24 CFR 982.401(l).

It is the VBDHNP goal to select sites for PBV housing that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal the VBDHNP will limit approval of sites for PBV housing in census tracts that have poverty concentrations of 20 percent or less. However, the VBDHNP will grant exceptions to the 20 percent standard where the VBDHNP determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

- A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;

- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition and HOPE VI redevelopment;

- A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;

- A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;

- A census tract where there has been an overall decline in the poverty rate within the past five years; or

- A census tract where there are meaningful opportunities for educational and economic advancement.

Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)]
NOTE: NOT APPLICABLE AT THIS TIME
The VBDHNP will not enter into an agreement to enter into a HAP contract nor enter into a HAP contract for existing or rehabilitated housing until we have determined that the site complies with the HUD required site and neighborhood standards. The site must:

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- Have adequate utilities and streets available to service the site;
- Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

New Construction Site and Neighborhood Standards [24 CFR 983.57(e)]
In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- The site must have adequate utilities and streets available to service the site;
- The site must not be located in an area of minority concentration unless the VBDHNP determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;
- The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and

- Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

Environmental Review [24 CFR 983.58]
The VBDHNP activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The *responsible entity* is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The VBDHNP may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.

H. DWELLING UNITS

Introduction
This part identifies the special housing quality standards that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

I. HOUSING QUALITY STANDARDS [24 CFR 983.101]

The housing quality standards (HQS) for the tenant-based program, including those for special housing types, generally apply to the PBV program. HQS requirements for shared housing, cooperative housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 does not apply to the PBV program.

Lead-based Paint [24 CFR 983.101(c)]
The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

Housing Accessibility for Persons with Disabilities
The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The VBDHNP must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

J. INSPECTING UNITS

Pre-selection Inspection [24 CFR 983.103(a)]
The VBDHNP must examine the proposed site before the proposal selection date. If the units to be assisted already exist, the VBDHNP must inspect all the units before the proposal selection date, and must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, the VBDHNP may not execute the HAP contract until the units fully comply with HQS.

Pre-HAP Contract Inspections [24 CFR 983.103(b)]
The VBDHNP will inspect each contract unit before execution of the HAP contract. The VBDHNP may not enter into a HAP contract covering a unit until the unit fully complies with HQS.

Turnover Inspections [24 CFR 983.103(c)]
Before providing assistance to a new family in a contract unit, the VBDHNP must inspect the unit. The VBDHNP may not provide assistance on behalf of the family until the unit fully complies with HQS.

Annual Inspections [24 CFR 983.103(d)]
At least annually during the term of the HAP contract, the VBDHNP must inspect a random sample, consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this annual inspection requirement.

If more than 20 percent of the annual sample of inspected contract units in a building fails the initial inspection, the VBDHNP must re-inspect 100 percent of the contract units in the building.

Other Inspections [24 CFR 983.103(e)]
The VBDHNP will inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The VBDHNP must take into account complaints and any other information coming to its attention in scheduling inspections.

The VBDHNP will conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting VBDHNP supervisory quality control HQS inspections, the VBDHNP should include a representative sample of both tenant-based and project-based units.

Inspecting VBDHNP-owned Units [24 CFR 983.103(f)]
In the case of VBDHNP-owned units, the inspections must be performed by an independent agency designated by the VBDHNP and approved by HUD. The independent entity must furnish a copy of each inspection report to the VBDHNP and to the HUD field office where the project is located. The VBDHNP must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by the VBDHNP-owner.

K. REHABILITATED AND NEWLY CONSTRUCTED UNITS

INTRODUCTION [24 CFR 983.151]

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. This part describes the requirements unique to this type of assistance.

Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

L. AGREEMENT TO ENTER INTO HAP CONTRACT

In order to offer PBV assistance in rehabilitated or newly constructed units, the VBDHNP must enter into an agreement to enter into HAP contract (Agreement) with the owner of the property. The Agreement must be in the form required by HUD [24 CFR 983.152(a)].

In the Agreement the owner agrees to develop the PBV contract units to comply with HQS, and the VBDHNP agrees that upon timely completion of such development in accordance with the terms of the Agreement, the VBDHNP will enter into a HAP contract with the owner for the contract units [24 CFR 983.152(b)].

Content of the Agreement [24 CFR 983.152(c)]

At a minimum, the Agreement must describe the following features of the housing to be developed and assisted under the PBV program:

- Site and the location of the contract units;
- Number of contract units by area (size) and number of bedrooms and bathrooms;
- Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the tenant;
- An indication of whether or not the design and construction requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973 apply to units under the Agreement. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the Agreement;
- Estimated initial rents to owner for the contract units;
- Description of the work to be performed under the Agreement. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by the VBDHNP, specifications and plans. For new construction units, the description must include the working drawings and specifications.
- Any additional requirements for quality, architecture, or design over and above HQS.

Execution of the Agreement [24 CFR 983.153]

The Agreement must be executed promptly after VBDHNP notice of proposal selection to the selected owner. However, the VBDHNP may not enter into the Agreement with the owner until the subsidy layering review is completed. Likewise, the VBDHNP may not enter into the Agreement until the environmental review is completed and the VBDHNP has received environmental approval.

Subject to agreement upon all terms and conditions of the Agreement, the VBDHNP will enter into the Agreement with the owner within 10 business days of receiving both environmental approval and notice that subsidy layering requirements have been met, and before construction or rehabilitation work are started.

M. CONDUCT OF DEVELOPMENT WORK

Labor Standards [24 CFR 983.154(b)]
If an Agreement covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the Agreement will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations. The VBDHNP must monitor compliance with labor standards.

Equal Opportunity [24 CFR 983.154(c)]
The owner must comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR Part 135. The owner must also comply with federal equal employment opportunity requirements.

Owner Disclosure [24 CFR 983.154(d) and (e)]
The Agreement and HAP contract must include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.
The owner must also disclose any possible conflict of interest that would be a violation of the Agreement, the HAP contract, or HUD regulations.

N. COMPLETION OF HOUSING

The Agreement must specify the deadlines for completion of the housing, and the owner must develop and complete the housing in accordance with these deadlines. The Agreement must also specify the deadline for submission by the owner of the required evidence of completion.

Evidence of Completion [24 CFR 983.155(b)]
At a minimum, the owner must submit the following evidence of completion to the VBDHNP in the form

and manner required by the VBDHNP:

- Owner certification that the work has been completed in accordance with HQS and all requirements of the Agreement; and
- Owner certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing.

At the VBDHNP's discretion, the Agreement may specify additional documentation that must be submitted by the owner as evidence of housing completion.

The VBDHNP will determine the need for the owner to submit additional documentation as evidence of housing completion such as a certificate of occupancy or other evidence that the units comply with local requirements; and an architect's certification that the housing complies with HQS, building codes, zoning, or work specifications. Without limitation, the VBDHNP may specify any additional documentation requirements in the Agreement to enter into HAP contract.

VBDHNP Acceptance of Completed Units [24 CFR 983.156]
Upon notice from the owner that the housing is completed, the VBDHNP will inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with HQS and any additional requirements imposed under the Agreement. The VBDHNP will also determine if the owner has submitted all required evidence of completion. If the work has not been completed in accordance with the Agreement, the VBDHNP will not enter into the HAP contract.

If the VBDHNP determines the work has been completed in accordance with the Agreement and that the owner has submitted all required evidence of completion, the VBDHNP will submit the HAP contract for execution by the owner and will then execute the HAP contract.

O. HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

INTRODUCTION
The VBDHNP must enter into a HAP contract with an owner for units that are receiving PBV assistance. The purpose of the HAP contract is to provide housing assistance payments for eligible families. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term. The HAP contract must be in the form required by HUD [24 CFR 983.202].

HAP Contract Requirements

Contract Information [24 CFR 983.203]
The HAP contract must specify the following information:

- The total number of contract units by number of bedrooms;

- The project's name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building;
- The number of contract units in each building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit;
- Services, maintenance, and equipment to be supplied by the owner and included in the rent to owner;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner (included in rent) and utility services to be paid by the tenant;
- Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8;
- The HAP contract term;
- The number of units in any building that will exceed the 25 percent per building cap, which will be set-aside for occupancy by qualifying families; and
- The initial rent to owner for the first 12 months of the HAP contract term.

Execution of the HAP Contract [24 CFR 983.204]
The VBDHNP may not enter into a HAP contract until each contract unit has been inspected and we have determined that the unit complies with the Housing Quality Standards (HQS). For existing housing, the HAP contract must be executed promptly after the VBDHNP selects the owner proposal and inspects the housing units. For newly constructed or rehabilitated housing the HAP contract must be executed after the VBDHNP has inspected the completed units and has determined that the units have been completed in accordance with the agreement to enter into HAP, and the owner furnishes all required evidence of completion.

For existing housing, subject to the terms, conditions and requirements of the Agreement to enter into HAP Contract, the HAP contract will be executed within 10 business days of the VBDHNP determining that all units pass HQS (NOT APPLICABLE AT THIS TIME).

For rehabilitated (rehabilitation is NOT APPLICABLE AT THIS TIME) or newly constructed housing, subject to the terms, conditions and requirements of the Agreement to enter into HAP Contract, the HAP contract will be executed within 10 business days of VBDHNP's determination that the units have been completed in accordance with the agreement to enter into HAP, all units meet HQS, and the owner has submitted all required evidence of completion.

The VBDHNP recognizes that some units in the PBV construction process may be completed over a period of time rather than all at once. In such cases the VBDHNP may inspect and accept the units in stages and may execute a HAP contract that reflects the staged acceptance.

Term of HAP Contract [24 CFR 983.205]

The term of all PBV HAP contracts will be negotiated with the owner on a case-by-case basis.
Within one year before expiration of the HAP contract, the VBDHNP may extend the term of the contract for an additional term of up to five years if the VBDHNP determines an extension is appropriate to continue providing affordable housing for low-income families. Subsequent extensions are subject to the same limitations. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

When determining whether or not to extend an expiring PBV contract, the VBDHNP will consider several factors including, but not limited to:

The cost of extending the contract and the amount of available budget VBDHNP;

The condition of the contract units;

The owner's record of compliance with obligations under the HAP contract and lease(s);

Whether the location of the units continues to support the goals of de-concentrating poverty and expanding housing opportunities; and

Whether the funding could be used more appropriately for tenant-based assistance.

Termination by VBDHNP [24 CFR 983.205(c)]
The HAP contract must provide that the term of the VBDHNP's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by the VBDHNP in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the VBDHNP may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Termination by Owner [24 CFR 983.205(d)]
If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to the VBDHNP. In this case, families living in the contract units must be offered tenant-based assistance.

Remedies for HQS Violations [24 CFR 983.207(b)]
The VBDHNP may not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If the VBDHNP determines that a contract unit does not comply with HQS, we may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP

contract.

The VBDHNP will abate and terminate PBV HAP contracts, in whole or in part, for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program. These policies are contained in Section 8-II.G., Enforcing Owner Compliance.

Amendments to the HAP Contract

Substitution of Contract Units will be pursuant to [24 CFR 983.206(a)]

Addition of Contract Units [24 CFR 983.206(b)]
The VBDHNP will consider adding contract units to the HAP contract when the VBDHNP determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and

Voucher holders are having difficulty finding units that meet program requirements.

HAP Contract Year, Anniversary and Expiration Dates [24 CFR 983.206(c) and 983.302(e)]
The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

Owner Responsibilities Under the HAP [24 CFR 983.209]
When the owner executes the HAP contract s/he certifies that at such execution and at all times during the term of the HAP contract:

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases;
- Each contract unit for which the owner is receiving HAP, is leased to an eligible family referred by the VBDHNP, and the lease is in accordance with the HAP contract and HUD requirements;

- To the best of the owner's knowledge the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence;
- The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;
- The amount of the HAP the owner is receiving is correct under the HAP contract;
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit; and
- The family does not own or have any interest in the contract unit.

Additional HAP Requirements

Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.207(a)]
The owner is required to maintain and operate the contract units and premises in accordance with HQS, including performance of ordinary and extraordinary maintenance. The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with the VBDHNP and in the lease with each assisted family. In addition, maintenance, replacement and redecoration must be in accordance with the standard practice for the building as established by the owner.

The VBDHNP may elect to establish additional requirements for quality, architecture, or design of PBV housing. Any such additional requirements must be specified in the Agreement to enter into a HAP contract and the HAP contract. These requirements must be in addition to, not in place of, compliance with HQS.

The VBDHNP will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. The VBDHNP will specify any special design standards or additional requirements in the invitation for PBV proposals, the agreement to enter into HAP contract, and the HAP contract.

Vacancy Payments [24 CFR 983.352(b)]
The VBDHNP will decide on a case-by-case basis if the VBDHNP will provide vacancy payments to the owner. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments.

P. SELECTION OF PBV PROGRAM PARTICIPANTS

OVERVIEW
Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the

waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

Eligibility for PBV Assistance [24 CFR 983.251(a) and (b)]
The VBDHNP may select families for the PBV program from those who are participants in the VBDHNP's tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be re-determined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the VBDHNP, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)].

In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to the VBDHNP's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. An applicant family must also meet HUD requirements related to current or past criminal activity.

In-Place Families [24 CFR 983.251(b)]
An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by the VBDHNP is considered an "in-place family." These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on the VBDHNP's waiting list. Once the family's continued eligibility is determined (the VBDHNP may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and the VBDHNP must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

Q. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]

The VBDHNP may establish a separate waiting list for the VBDHNP's entire PBV program. Provided that VBDHNP may establish separate waiting lists for PBV units in particular projects or buildings or for sets of such units if such projects/buildings/units are subject to additional occupancy requirements as a result of LIHTC, bond financing, or governmental assistance.

Selection from the Waiting List [24 CFR 983.251(c)]

Applicants who will occupy units with PBV assistance must be selected from the VBDHNP'S waiting list. The VBDHNP may establish selection criteria or preferences for occupancy of particular PBV units.

Income Targeting [24 CFR 983.251(c) (6)]
At least 75 percent of the families admitted to the VBDHNP's tenant-based and project-based voucher programs during the VBDHNP fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Units with Accessibility Features [24 CFR 983.251(c) (7)]
When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the VBDHNP must first refer families who require such features to the owner.

R. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e) (3)]
The VBDHNP is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the VBDHNP's selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

Disapproval by Landlord [24 CFR 983.251(e) (2)]
If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]
Family Briefing
When a family accepts an offer for PBV assistance, the VBDHNP must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, the VBDHNP must provide a briefing packet that explains how the VBDHNP determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities
If an applicant family's head or spouse is disabled, the VBDHNP must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, the VBDHNP must have a mechanism for referring a family that includes a member with mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency
The VBDHNP should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

S. OWNER SELECTION OF TENANTS

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(b)].

Leasing [24 CFR 983.253(a)]

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the VBDHNP from the waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on the VBDHNP's subsidy standards.

Filling Vacancies [24 CFR 983.254(a)]

The owner must notify the VBDHNP in writing (mail, fax, or e-mail) within 5 business days of learning about any vacancy or expected vacancy.
The VBDHNP will make every reasonable effort to refer families to the owner within 20 business days of receiving such notice from the owner.

Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]

If any contract units have been vacant for 120 days, the VBDHNP will give notice to the owner that the HAP contract may be amended to reduce the number of contract units that have been vacant for this period. The VBDHNP will provide the notice to the owner within 10 business days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of the VBDHNP's notice.

Tenant Screening [24 CFR 983.255]

VBDHNP Responsibility

The VBDHNP will offer the owner other information we may have about a family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members.

The VBDHNP will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before.

Owner Responsibility

The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

- 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.

T. OCCUPANCY AND LEASING

OVERVIEW

After an applicant has been selected from the waiting list, determined eligible by the VBDHNP, referred to an owner and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

Lease [24 CFR 983.256]

The tenant must have legal capacity to enter a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

Form of Lease [24 CFR 983.256(b)]

The tenant and the owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease form for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants, except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

Lease Requirements [24 CFR 983.256(c)]

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;
- A specification of the services, maintenance, equipment, and utilities that will be provide by the owner; and
- The amount of any charges for food, furniture, or supportive services.

Tenancy Addendum [24 CFR 983.256(d)]

The tenancy addendum in the lease must state:

- The program tenancy requirements;
- The composition of the household as approved by the VBDHNP (the names of family members and any VBDHNP-approved live-in aide);
- All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Initial Term and Lease Renewal [24 CFR 983.256(f) and 983.257(b)]
The initial lease term must be for at least one year. Upon expiration of the lease, an owner may renew the lease, refuse to renew the lease for "good cause," or refuse to renew the lease without good cause. If the owner refuses to renew the lease without good cause, the VBDHNP must provide the family with a tenant-based voucher and remove the unit from the PBV HAP contract.

Changes in the Lease [24 CFR 983.256(e)]
If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give the VBDHNP a copy of all changes.

The owner must notify the VBDHNP in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by the VBDHNP and in accordance with the terms of the lease relating to its amendment. The VBDHNP must re-determine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The re-determined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

Owner Termination of Tenancy [24 CFR 983.257]
With three exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Section 12-III.B. and 24 CFR 982.310). In the PBV program, terminating tenancy for "good cause" does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

Non-Compliance with Supportive Services Requirement [24 CFR 983.257(c)]
If a family is living in a project-based unit that is exempted from the 25 percent per building cap on project-basing because of participation in a supportive services program (e.g., Family Self-Sufficiency), and the family fails to complete its supportive services requirement without good cause, such failure is grounds for lease termination by the owner.

Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]
The owner may specify in the lease a maximum period of tenant absence from the unit that is shorter than the maximum period permitted by VBDHNP policy. According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than 180 consecutive days.

Tenant Non-Compliance with Funding Source Requirements

If in conjunction with obtaining PBV assistance, owner financed the construction or rehabilitation of the PBV units through the use of LIHTC or multifamily bond financing assistance and tenant's continued occupancy of the PBV unit would result in a breach, default, or non-compliance under the affordable housing requirements related to such assistance, then owner may terminate the tenant's lease. In such event, the VBDHNP shall assist the tenant in finding replacement housing and the VBDHNP shall offer the tenant the opportunity to continue receiving housing assistance in another unit or development (provided tenant remains eligible for same).

Security Deposits [24 CFR 983.258]

The VBDHNP prohibits the owner from collecting security deposits in excess of amounts charged by the owner to unassisted tenants. In addition, security deposits cannot exceed one month's rent.

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

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

If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance form the tenant. The VBDHNP has no liability or responsibility for payment of any amount owed by the family to the owner.

U. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.259]

The VBDHNP will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within 10 business days of the VBDHNP's determination. The VBDHNP will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

PBV assistance in the same building or project;

PBV assistance in another project; and

Tenant-based voucher assistance.

When the VBDHNP offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, the VBDHNP may terminate the housing assistance payments at the expiration of this 30-day period.

The VBDHNP may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.260]

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the VBDHNP. If the family wishes to move with continued tenant-based assistance, the family must contact the VBDHNP to request the rental assistance prior to providing notice to terminate the lease.
If the family terminates the lease in accordance with these requirements, the VBDHNP is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, the VBDHNP must give the family priority to receive the next available opportunity for continued tenant-based assistance.

If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

Exceptions to the Occupancy Cap [24 CFR 983.261]

When the VBDHNP determines that a family no longer meets the criteria for a "qualifying family" in connection with the 25 percent per building cap exception, the VBDHNP will provide written notice to the family and owner within 10 business days of making the determination. The family will be given 30 days from the date of the notice to move out of the PBV unit. If the family does not move out within this 30-day time frame and the owner has not commenced eviction proceedings, the VBDHNP will terminate the housing assistance payments at the expiration of this 30-day period.

The VBDHNP may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

The VBDHNP may refer other eligible families to the excepted units. However, if there are no eligible families on the waiting list and the owner does not refer eligible families to the VBDHNP, the VBDHNP may amend the HAP contract to reduce the total number of units under contract.

V. DETERMINING RENT TO OWNER

INTRODUCTION

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. Although for rehabilitated or newly constructed housing, the agreement to enter into HAP Contract (Agreement) states the estimated amount of the initial rent to owner, the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.
During the tem of the HAP contract, the rent to owner is re-determined at the owner's request in accordance with program requirements, and at such time that there is a five percent or greater decrease in the published FMR.

Rent Limits [24 CFR 983.301]
Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount not to exceed 110 percent of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

Certain Tax Credit Units [24 CFR 983.301(c)]
For certain tax credit units, the rent limits are determined differently than for other PBV units. These different limits apply to contract units that meet all of the following criteria:

- The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986;
- The contract unit is not located in a qualified census tract;
- There are comparable tax credit units of the same bedroom size as the contract unit in the same building, and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and
- The tax credit rent exceeds the fair market rent or any approved exception payment standard);

For contract units that meet all of these criteria, the rent to owner must not exceed the lowest of:

- The tax credit rent minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

Definitions
A *qualified census tract* is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent and where the census tract is designated as a qualified census tract by HUD.

Tax credit rent is the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]
When determining the initial rent to owner, the VBDHNP must use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. When re-determining the rent to owner, the VBDHNP must use the most recently published FMR and the utility allowance schedule in effect at the time of re-determination. At its discretion, the VBDHNP may for initial rent, use

the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract, or for re-determinations of rent, the 30-day period immediately before the re-determination date.

Any HUD-approved exception payment standard amount under the tenant-based voucher program also applies to the project-based voucher program. HUD will not approve a different exception payment stand amount for use in the PBV program. The same utility allowance schedule applies to both the tenant-based and project-based voucher programs.

Upon written request by the owner, the VBDHNP will consider using the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or re-determination of rent. The owner must explain the need to use the previous FMRs or utility allowances and include documentation in support of the request. The VBDHNP will review and make a decision based on the circumstances and merit of each request.

In addition to considering a written request from an owner, the VBDHNP may decide to use the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or re-determination of rent, if the VBDHNP determines it is necessary due to VBDHNP budgetary constraints.

Re-determination of Rent [24 CFR 983.302]
The VBDHNP will re-determine the rent to owner upon the owner's request or when there is a five percent or greater decrease in the published FMR.

Rent Increase
If an owner wishes to request an increase in the rent to owner from the VBDHNP, it must be requested at the annual anniversary of the HAP contract (see Section 17-V.D.). The request must be in writing and in the form and manner required by the VBDHNP. The VBDHNP may only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs).

An owner's request for a rent increase must be submitted to the VBDHNP 60 days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing.

The VBDHNP may not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

Rent Decrease
If there is a decrease in the rent to owner, as established in accordance with program requirements such as a change in the FMR or exception payment standard, or reasonable rent amount, the rent to owner must be

decreased regardless of whether the owner requested a rent adjustment.

Notice of Rent Change
The rent to owner is re-determined by written notice by the VBDHNP to the owner specifying the amount of the re-determined rent. The VBDHNP notice of rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract. The adjusted amount of rent to owner applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

The VBDHNP will provide the owner with at least 30 days written notice of any change in the amount of rent to owner.

Reasonable Rent [24 CFR 983.303]
At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by the VBDHNP.

When Rent Reasonable Determinations are Required
The VBDHNP must re-determine the reasonable rent for a unit receiving PBV assistance whenever any of the following occur:

- There is a five percent or greater decrease in the published FMR in effect 60 days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR that was in effect one year before the contract anniversary date;
- The VBDHNP approves a change in the allocation of responsibility for utilities between the owner and the tenant;
- The HAP contract is amended to substitute a different contract unit in the same building; or
- There is any other change that may substantially affect the reasonable rent.

How to Determine Reasonable Rent
The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, the VBDHNP must consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.
Comparability Analysis
For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by the VBDHNP. The comparability analysis may be performed by VBDHNP staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

VBDHNP-owned Units

For VBDHNP-owned units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with PBV program requirements. The independent entity must provide a copy of the determination of reasonable rent for VBDHNP-owned units to the VBDHNP and to the HUD field office where the project is located.

Owner Certification of Reasonable Rent
By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, the VBDHNP may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

Effect of Other Subsidy and Rent Control
In addition to the rent limits discussed in Section 17-VIII.B above, other restrictions may limit the amount of rent to owner in a PBV unit. In addition, certain types of subsidized housing are not even eligible to receive PBV assistance (see Section 17-II.D).

Other Subsidy [24 CFR 983.304]
At its discretion, a VBDHNP may reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants, or other subsidized financing.
For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.
For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program:

- An insured or non-insured Section 236 project;
- A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
- A Section 221(d)(3) below market interest rate (BMIR) project;
- A Section 515 project of the Rural Housing Service;
- A project receiving low-income housing tax credits;
- Any other type of federally subsidized project specified by HUD.

Combining Subsidy
Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

Rent Control [24 CFR 983.305]
In addition to the rent limits set by PBV program regulations, the amount of rent to owner may also be subject to rent control or other limits under local, state, or federal law.

W. PAYMENTS TO OWNER

HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]

During the term of the HAP contract, the VBDHNP will make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and the VBDHNP agree on a later date.

Except for discretionary vacancy payments, the VBDHNP may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

The amount of the housing assistance payment by the VBDHNP is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance). In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

Vacancy Payments [24 CFR 983.352]

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the VBDHNP determines that the vacancy is the owner's fault.

If the VBDHNP determines that the owner is responsible for a vacancy and, as a result, is not entitled to keep the housing assistance payment, the VBDHNP will notify the landlord of the amount of housing assistance payment that the owner must repay.

X. TENANT RENT TO OWNER [24 CFR 983.353]

The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by the VBDHNP in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in the VBDHNP notice to the family and owner.

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by the VBDHNP is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by the VBDHNP. The owner must immediately return any excess payment to the tenant.

Tenant and VBDHNP Responsibilities

The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by the

VBDHNP

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Likewise, the VBDHNP is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. The VBDHNP is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. The VBDHNP may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

Utility Reimbursements
If the amount of the utility allowance exceeds the total tenant payment, the VBDHNP will pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero.

The VBDHNP will make utility reimbursements to the family.

Y. OTHER FEES AND CHARGES [24 CFR 983.354]

Meals and Supportive Services
With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

Other Charges by Owner
The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

Z. CURRENT VBDHNP PROJECT-BASED VOUCHER PROGRAM(S):

1) CLOVERLEAF SRO, SOUTH BAY SRO& HERON LANDING SRO

VBDHNP in conjunction with City of Chesapeake Redevelopment & Housing Agency, Norfolk Redevelopment & Housing Agency, Portsmouth Redevelopment & Housing Agency, the Continuum of Care Agencies of the Regional Cities and Virginia Supportive Housing (VSH), signed a Memorandum of Agreement in September 2007 to support the sixty (60) units in Cloverleaf Single Room Occupancy (SRO) residence, 60 units in South Bay SRO and 60 units in Heron Landing SRO. For all project based programs administered by VBDHNP and in accordance with 24 CFR 983.260 eligible participants may receive the next available Housing Choice Voucher after one year of occupancy, if they so choose.

VBDHNP is allotted 44 units in the Cloverleaf SRO residence and supports these units with 44 project based vouchers. The remaining 16 units are allocated under the Continuum of Care Memorandums of Agreement with our regional cities.

VBDHNP is allocated six units in the South Bay (SRO).

VBDHNP is allocated eight units in the Heron Landing (SRO)

VBDHNP provides a list of eligible applicants to Virginia Supportive Housing from DHNP's Single Unaccompanied Homeless Persons waiting list. Depending on the allocation, determines which jurisdiction provides applicants to Virginia Supportive Housing who performs screening and approval of occupancy to refer to appropriate hosting agency. VSH and VBDHNP are responsible for administration of the vouchers in accordance with the Department of Housing and Urban Development (HUD) regulations in CFR24 Part 983, Project Based Voucher Program.

2) COMMUNITY HOUSING PARTNERS (SEAHAVEN)

VBDHNP has collaborated with Community Housing Partners to provide Project Based Assistance for twenty-six (26) units in Virginia Beach. The units are 780 square feet, have 2 bedrooms and 1 bathroom. When a vacancy occurs, VBDHNP will pull the next eligible person from its Waiting List, determine their final eligibility and will refer the applicant to Community Housing Partners for final screening and approval of occupancy. Samaritan House will provide the supportive services.

3) VIRGINIA BEACH COMMUNITY DEVELOPMENT CORP (VBCDC)

VBDHNP's in conjunction with the Virginia Beach Community Development Corporation (VBCDC) signed a memorandum of Agreement in January 2008 to support 40 units with Project Based Vouchers to house homeless and/or disabled families, known as NOAH3 -7. All units are scattered throughout the City of Virginia Beach. DHNP maintains the list of eligible applicants and refers the same to the VBCDC. VBCDC performs final screening and approval of occupancy. VBCDC and VBDHNP are responsible for administration of the vouchers in accordance with the Department of Housing and Urban Development (HUD) regulations in CFR24 Part 983, Project Based Voucher Program.

DHNP has also entered into project based assistance agreements with VBCDC for 49 units, known as NOAH 1,2 and Citywide. VBCDC provides supportive services for both NOAH programs.

VBDHNP has applied for 32 Veterans Affairs Supportive Housing Project Based Voucher to collaborate with VBCDC in administering our first VASH Project Based Building.

ADDENDUM
PROGRAM INTEGRITY
[24CFR 792.101 to 792.204, 982.54] [HCV Guidebook-Chapter 22]

INTRODUCTION

DHNP maintains its credibility with applicant and participant families, owners, HUD, and the larger community by enforcing program requirements. When families, owners, or DHNP employees fail to adhere to program requirements; the DHNP must take appropriate action.

DHNP will address program errors, omissions, fraud, or abuse through both *prevention* and *detection*. Preventive measures are the most effective way to deter widespread program irregularities.

DHNP 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 .

DHNP will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This chapter outlines DHNP's policies for the prevention, detection, and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

It is important that DHNP staff recognize the differences between unintentional and intentional misreporting. A policy that clearly defines circumstances
under which a family or owner would be terminated from the program, but also allows the DHNP to consider mitigating circumstances before terminating, is best. [HCV Guidebook Chptr 22-See table at end of Appendix]

DHNP has a responsibility to HUD, the community, and eligible families in need of housing assistance to monitor participants and owners for compliance and, when indicators of possible abuse come to DHNP's attention, to investigate such claims.

DHNP will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips. DHNP will follow up on referrals received by mail, by telephone, in person from other agencies, companies or persons alleging that a family is in noncompliance violating the family obligations or any other program rules. A copy of the allegation will be retained in the family's file.

File Review. An Investigation will be initiated if DHNP staff discovers during recertification, interim re-determination, or quality control review information or facts that conflict with previous file data, DHNP's knowledge of the family, or statements made by the family.

Verification of Documentation. An Investigation will be initiated if DHNP receives documentation that conflicts with information in the family's file (such as public records information or reports from credit bureaus or other agencies).

B. STEPS DHNP WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

DHNP management and staff will utilize various methods and practices (listed below) to prevent program abuse, noncompliance, and willful violations of program rules by applicants and participating families.

Things You Should Know (HUD-1140-0IG). This program integrity bulletin (created by HUD's inspector general) will be furnished and explained to all applicants to promote understanding of program rules and to clarify DHNP's expectations for cooperation and compliance.

Waiting list Briefing. A mandatory briefing conducted by DHNP staff for all prospective program participants, either prior to or upon issuance of a voucher. At the conclusion of the briefing the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.

Recertification Process. DHNP staff will provide housing counseling review program rules requirements and forms prior to signing.

Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Participant Certification. All family representatives will be required to sign a Certification of Family Responsibility.

C. STEPS DHNP WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

DHNP staff will maintain a high level of alertness 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, files will be reviewed in accordance with HCV Management Assessment (SEMAP) program guidelines. At a minimum, such reviews shall examine:

- Verification of all income and deductions

Changes in reported Social Security numbers or dates of birth

- Authenticity of file documents
- Consistency of signatures with previously signed file documents
- Dates and signatures on all documents
- Verification of rent calculations and utility allowances

Observation. DHNP management staff (to include inspection personnel) will maintain high awareness of circumstances that may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income. A fraud investigation will be initiated.

EIV. Inquires of HUD's EIV system will be conducted for recertifications, interim redeterminations, and when unreported income is suspected. AN inquiry of the State Wage Data Record will also be conducted.

Credit Bureau Inquiries. Credit bureau inquiries may be made (with proper authorization by the participant) in the following circumstances:

- When an allegation is received by DHNP wherein unreported income sources are disclosed
- When a participant's expenditures exceed his/her reported income and no plausible explanation is given

D. DHNP'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

DHNP staff will encourage all participating families to report suspected abuse to the HCV Program Coordinator, Housing Fraud Coordinator, and/or their Housing Specialist. All allegations, complaints, and tips will be carefully evaluated to determine whether they warrant follow-up.

File Review. DHNP will revew the file to determine whether the family has previously disclosed the information reported.

DHNP will then determine which agency it is the most appropriate authority to contact (i.e. police or social services).

Conclusion of Preliminary Review. If at the conclusion of the file review there are facts contained in the allegation that conflict with file data and are verifiable, Fraud Coordinator will initiate an investigation to determine if the allegation is true or false.

E. OVERPAYMENTS TO OWNERS

DHNP will make every effort to recover any overpayments made because of landlord fraud or abuse. Payments otherwise due to the owner may be adjusted in order to repay DHNP or the tenant, as applicable.

F. HOW DHNP WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If DHNP determines that, either an allegation or referral warrants investigation, the HS assigned to the family or the Fraud Coordinator will initiate an investigation. The steps taken will depend upon the nature of the allegation and may include the items listed below. In all cases, DHNP 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 credit bureau inquiry may be made to determine whether the financial activity of a family conflicts with the family's reported income.

Current Employers and Previous Employers. May be contacted to verify wages that may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses who are believed to have direct or indirect knowledge of facts pertaining to DHNP's review may be interviewed.

Other Agencies. Investigators, caseworkers or representatives may be contacted.

Public Records. DHNP will review any relevant public records kept. Examples of public records that may be checked are real estate records, marriage and divorce records, uniform commercial code financing statements, voter registration rolls, judgments, court or police records, state wage records, utility records, and postal records.

Concerns Meeting. When appropriate or requested, DHNP will discuss the allegation with the head of household or family members by scheduling an appointment at the DHNP office. If any family engages in abusive or violent behavior towards DHNP personnel, it will be cause for termination or denial, Abusive or violent behavior includes verbal as well as physical abuse or violence. Use of profanity that is generally considered insulting, racial slurs or other language written or oral, that is customarily used to insult or intimidate will be cause for termination or denial. Actual physical abuse or violence will always be cause for immediate termination. If possible, an additional staff person will attend such interviews.

G. PLACEMENT OF DOCUMENTS, EVIDENCE, AND STATEMENTS OBTAINED BY DHNP

Documents and other evidence obtained by DHNP during the course of an investigation will be kept in the participant's file. The participant's file or work file will be kept in a locked file cabinet. Such cases under review will be discussed only among DHNP staff that are involved in the process or have information that may assist in the investigation.

H. CONCLUSION OF DHNP'S INVESTIGATION

At the conclusion of the investigation, the Fraud Coordinator and HS will determine the appropriate action (i.e. termination, repayment agreement.)

I. ACTION PROCEDURES FOR DOCUMENTED VIOLATIONS

Once a program violation has been documented, DHNP will propose the most appropriate remedy based upon the type and severity of the violation.

1. **Procedural Noncompliance.** This category applies when the family "fails to" observe a procedure or requirement of DHNP but does not misrepresent a material fact and there are no retroactive assistance payments owed by the family.

Examples of non-compliance violations are:

- Failure to appear at a prescheduled appointment
- Failure to return verification in the time period specified by DHNP

(a) **Warning Notice to the Family.** In such cases, a notice containing the following will be sent to the family:

- A description of the noncompliance and the procedure, policy, or obligation that was violated
- The date by which the violation must be corrected or the procedure complied with
- The action that will be taken by DHNP if the procedure or obligation is not complied with by the date specified by DHNP
- The consequences of repeated (similar) violations

2. Overpaid Assistance. When the family owes money to DHNP for failure to report changes in income or assets, DHNP will notify the family.. This notice will contain the following:

- A description of the violation and the date(s)
- The amount owed to DHNP
- The number of days (10) within which a response must be received to enter into a Repayment Agreement.
- Acknowledgment of the family's right to disagree and to request an Informal Hearing along with instructions for requesting such a hearing

(a) Participant Fails to Comply with DHNP's Notice. If the Participant fails to comply with DHNP's notice and a family obligation has been violated, DHNP will initiate termination of assistance.

(b) Participant Complies with DHNP Notice. When a family complies with DHNP's notice, the staff person responsible will meet with him/ her to explain and discuss the family obligation or program rule that was violated. The staff person will complete a Repayment Agreement and require the family to sign.

1. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA –sponsored amnesty or debt forgiveness programs.

2. **Example:**

   Adjusted Monthly Income: $1,230

   Family's monthly rent payment is $369 (30% of family's monthly adjusted income)

   40% of family's monthly adjusted income is $492

The monthly payment for the repayment agreement should not exceed $123 per month ($369 monthly rent + $123 repayment =- $492) 40% of the family's monthly adjusted income.

Families must been given the option to repay as follows: 1) Lump sum payment; 2) Monthly installments; or 3) A Down payments still remain 10% of the total owed.

3. Misrepresentations. When a participant falsifies, misstates, omits, or otherwise misrepresents a material fact DHNP will evaluate investigate and take appropriate actions as follows:

- Notice to family describing misrepresentation
- Action to be taken by DHNP and then referral to the City Attorney for prosecution
- Family's right to request an Informal Hearing

ERRORS AND OMISSIONS VS. FRAUD AND ABUSE **HCV GuideBook Chptr 22**		
By the Family	**By the Owner**	**By the PHA**
• Failure to report required information due to lack of understanding, such as omitting a particular asset or failing to report a source of income. • Incorrect reporting, such as reporting the income source but incorrectly stating the amount of income. • Failure to report changes as required, such as failure to notify the DHNP of a change in family composition or income. • Intentionally misrepresenting income, assets, and allowances. • Intentionally misrepresenting	• Collecting housing assistance payments for an unoccupied unit, when the owner is not aware that the assisted family has vacated. • Errors in specifying responsibilities for utility payments. • Collecting extra or "side" payments in excess of the family share of rent or requiring the family to perform extraordinary services in lieu of payments. • Charging families for utilities that are the owner's responsibility. • Collecting housing assistance payments for units not occupied	•Unintentionally miscalculating subsidy/rent. • Unintentionally determining eligible families as ineligible and vice versa. • Unintentionally approving rents that are not reasonable. •Misinterpreting documentation or information provided by a third party. • Forgetting to inform the participant of a reporting requirement or to collect all required information during an interview. • Unknowingly failing to apply program rules and procedures

family composition. • Initiating and participating in bribes or other illegal activities.	by program participants. • Bribing DHNP employees to certify a substandard unit as passing HQS. • Other HQS violations involving misrepresentation and deceit.	properly. • Late processing. • Willful passing of units not meeting HQS and/or local standards. • Accepting kickbacks from owners, managers, or families to permit participation or to allow rents in excess of the rent reasonableness limitation. • Intentionally calculating total participant payment or housing assistance payments incorrectly. •Intentionally making incorrect determinations of family eligibility, including certifying as eligible otherwise ineligible applicants, coaching applicants to falsify documents, or changing an applicant's position on the waiting list.

Glossary of Terminology

1. ACC—Annual Contributions Contract
2. ADA—Americans with Disabilities Act
3. AMGI—Area Median Gross Income
4. APR—Annual Performance Report
5. CFR—Code of Federal Regulations
6. EIV—Enterprise Income Verification
7. FMV—Fair Market Value
8. FSS—Family Self-Sufficiency
9. HAP—Housing Assistance Payment
10. HQS—Housing Quality Standards
11. INS—Immigration and Naturalization Service
12. IRS—Internal Revenue Service
13. LEP—Limited English Proficiency
14. PBV—Project Based Voucher
15. RFP—Request for Proposals
16. RFTA—Request for Tenancy Approval
17. PHA—Public Housing Authority
18. PIH—Public & Indian Housing
19. SEMAP—Section Eight Management Assessment Program
20. SRO—Single Room Occupancy
21. SSA—Social Security Administration
22. SSI—Supplemental Security Income
23. TANF—Temporary Assistance for Needy Families
24. TDD—Test Driven Development
25. TTP—Total Tenant Portion
26. UIV—Upfront Income Verification
27. VASH—Veterans Affairs Supportive Housing
28. VAWA—Violence against Women Act
29. VBCDC—Virginia Beach Community Development Corporation
30. VCA—Voluntary Compliance Agreement
31. VSH—Virginia Supportive Housing
32. FMR—Fair Market Rent
33. EID—Earned Income Disallowance
34. USC—United States Code
35. URA—Uniform Relocation Assistance