SONOMA COUNTY HOUSING AUTHORITY

ADMINISTRATIVE PLAN

FOR THE

HOUSING CHOICE VOUCHER PROGRAM

JULY 10, 2018

Sonoma County
Housing Authority
Housing Choice Voucher Program Administrative Plan

The Sonoma County Board of Supervisors

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Margaret Van Vliet, Executive Director
Martha Cheever, Housing Authority Manager

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Chapter 1
STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, are described in and implemented throughout this Administrative Plan.

The purpose of the Section 8 Program is to provide rental assistance to low-income families and individuals to enable them to rent decent, safe and sanitary housing. The Section 8 rental assistance program is federally funded. It is available throughout the United States and is administered by public housing authorities. In Sonoma County, excluding the city of Santa Rosa, this program is operated by the Sonoma County Housing Authority (PHA).

Administration of the Section 8 Program and the functions and responsibilities of the PHA staff shall be in compliance with the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations. There is a written code of conduct for all PHA employees. These are included in the Personnel Policy and in the Incompatible Activities Policy.

A. PURPOSE OF THE PLAN [24 CFR 982.54]

The administrative plan is required by HUD. 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 PHA's agency plan. This administrative plan is a supporting document to the PHA agency plan, and is available for public review as required by CFR 24 Part 903.

This administrative plan is set forth to define the PHA's local policies for operation of the housing programs in accordance with federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices, and 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.

The PHA is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of PHA staff shall be in compliance with the PHA's personnel policy and HUD regulations as well as all federal, state and local fair housing laws and regulations.

B. HOUSING AUTHORITY MISSION STATEMENT

The Sonoma County Housing Authority (PHA), operating under the umbrella of the Sonoma County Community Development Commission (CDC), administers the HCV Program under contract with the Department of Housing and Urban Development (HUD).

- The mission of the Sonoma County Community Development Commission (CDC) is to promote decent and affordable housing, revitalize communities, and support public services that increase economic stability for County residents.

  We are committed to providing services in an effective, efficient and respectful manner.

C. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22), 24 CRF 982.155]

The total amount of all expenditures for the HCV program will be approved by the Housing Authority Board of Commissioners and made in accordance with the approved budget.

The PHA must maintain an administrative fee reserve for the program to pay program administrative expenses in excess of administrative fees paid by HUD for a PHA fiscal year. If funds in the administrative fee reserve are not needed to cover PHA administrative expenses, the PHA may use these funds for other housing purposes permitted by Federal, State and local law.

The Board of Commissioners approves the aggregate HCV program expenditures, which may include use of administrative fee reserves. HUD requires the PHA Board of Commissioners to establish the maximum amount that may be charged against the administrative fee reserve without specific approval. The PHA will not spend more than $300,000 in administrative fee reserves in any fiscal year without receiving prior approval from the Board of Commissioners.

D. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in the context of Federal laws and regulations. All issues related to HCVs not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and Guidelines, or other applicable law.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

- 24 CFR Part 983: Project-Based Vouchers
- 24 CFR Part 985: The Section 8 Management Assessment Program (SEMAP)

E. TERMINOLOGY

The Sonoma County Housing Authority is referred to as "PHA" or "Housing Authority" throughout this document.

“Days” when used to define time periods means calendar days unless specifically stated otherwise.

"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 owners.

"Owner" and “Property Manager” 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.

The Section 8 programs are also known as the Housing Choice Voucher Program, Homeownership Voucher Program, and Project Based Voucher Program.

"HQS" means the Housing Quality Standards required by HUD regulations.

"Failure to Provide" and “Failure to Comply” refers to all requirements in the first three Family Obligations. See "Denial or Termination of Assistance," Chapter 15.

See Glossary for other terminology.

F. OVERVIEW OF NON DISCRIMINATION AND FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

Federal laws require PHAs to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)

- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20
- Violence Against Women Reauthorization Act of 2013 (VAWA)

When more than one civil rights law applies to a situation, the laws will be read and applied together.
It is the policy of the PHA 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. (Addenda on Affirmatively Furthering Fair Housing in the HCV FSS and Family Unification programs are located at the end of this chapter.)

The PHA 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, gender, religion, creed, national or ethnic origin, age, familial or marital status, disability, sexual orientation, or gender identity.

To further its commitment to full compliance with applicable civil rights laws, the PHA 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 at the front desk.

All PHA staff will attend fair housing training and be 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. Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities. Fair Housing posters and housing information are displayed in locations throughout the PHA's office including the lobby and interview areas in such a manner as to be easily readable from a wheelchair.

If an applicant or participant believes that any family member has been discriminated against by the PHA or an owner, the family should advise the PHA. The PHA will make every reasonable attempt to determine whether the applicant’s or participant’s

assertions have merit and take any warranted corrective action. In addition, the PHA will provide the applicant or participant with information about how to file a discrimination complaint. The PHA may also report the owner to HUD's Office of Fair Housing and Equal Opportunity (FHEO) or the local Fair Housing Organization.

G. REASONABLE ACCOMMODATIONS POLICY

Definition of Reasonable Accommodation:

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV program. For example, reasonable accommodations may include making home visits, extending the voucher term, or approving an exception payment standard in order for a participant to lease an accessible dwelling unit.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Common Types of Reasonable Accommodations:

When needed, the PHA will modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff

It is the policy of the PHA 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 or a person acting on their behalf must first ask for a specific change to a policy or practice as an accommodation of their disability before the PHA will treat a person differently than anyone else. The PHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The types of reasonable accommodations the PHA can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service. The availability of requesting an accommodation will be made known to applicants and participants in certain PHA notices, forms and letters.

This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind. An applicant, participant or family who has a disability must meet the essential obligations of the HCV Program and the lease or rental agreement with the owner. All applicants and participants must be able to pay rent, care for their unit, report required information to the PHA and refrain from disturbing neighbors. The applicant, participant or family may meet these obligations independently or with assistance from another person or agency.

The regulatory civil rights definition for persons with disabilities is provided in Section P, pages 1-11 and 1-12 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

To be eligible to request a reasonable accommodation, the requester must first verify that they are a person with a disability and that the accommodation will enhance the family's access to the PHA's programs and services. The PHA will verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services. If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

The PHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the PHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a knowledgeable medical professional or comparable 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. The PHA will request only information that is necessary to evaluate the disability-related need for the accommodation and will verify that the change is required.

If the PHA finds that the requested accommodation creates an undue administrative or financial burden, the PHA will either deny the request and/or present an alternate accommodation that will still meet the need of the person.
An undue administrative burden is one that requires a fundamental alteration in the nature of the program or service offered by the PHA (i.e., waiving a family obligation). A

fundamental alteration is a modification that alters the essential nature of a provider's operations.

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the PHA. The PHA will provide a written decision to the person requesting the accommodation within a reasonable time, generally within 10 working days from the date the request is received. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

Reasonable accommodation will be made for persons with a disability that require 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.

The PHA will approve a request for an accommodation if the following three conditions are met [Notice PIH 2010-26]:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations will be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the PHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs. Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

In the event that the PHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the PHA will either redact medical diagnosis, or dispose of the information. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

H. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

The PHA office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider. The TDD number is (707) 565-7555. The PHA also provides sign language interpreters when requested. To meet

the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request.

Additional examples of alternative forms of communication are having material explained orally by staff or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

I. PHYSICAL ACCESSIBILITY

The PHA office is accessible to persons with disabilities. The PHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

- PIH 2002-01 (HA), Accessibility Notice: this notice is posted in the HCV office in a conspicuous place and summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.
- PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The person responsible to coordinate compliance with Section 504 is Martha Cheever, Housing Authority Manager. She may be reached at 707-565-7521, or martha.cheever@sonoma-county.org.

J. LIMITED ENGLISH PROFICIENCY (LEP)

The PHA will take affirmative steps to communicate with people who need services or information in a language other than English. A person with Limited English Proficiency (LEP) is a person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English. This policy was developed to serve applicants, participants, and/or persons eligible for housing assistance.

The PHA analyzes the various kinds of contacts it has with the public to assess language needs and decide what reasonable steps should be taken. In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors:

(1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the HCV program;

(2) the frequency with which LEP persons come into contact with the program;

(3) the nature and importance of the program, activity, or service provided by the program to people's lives; and

(4) the resources available to the PHA and costs.

Balancing these four factors will ensure meaningful access by LEP persons to critical

services while not imposing undue burdens on the PHA.

The PHA has bilingual staff to assist non-English speaking families in Spanish. The PHA also translates documents into Spanish. Interpreter services will be provided on an as-needed basis for clients who speak languages other than Spanish or English. Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA or provided by an outside vendor. The interpreter may not be a child but may be a family member or friend. The PHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits. Where feasible and possible, the PHA will encourage the use of qualified community volunteers.

In determining whether it is feasible to translate documents into other languages, the PHA will consider the following factors:

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

K. VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women Act (VAWA) states that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, 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. The PHA will comply with VAWA. In addition, the PHA will provide resource information to HCV applicants and participants about the YWCA's programs for victims of domestic violence. See Chapter 13 and Chapter 15 for additional information about VAWA.

L. MANAGEMENT ASSESSMENT OBJECTIVES

The PHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that it is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the areas of measurement for the following HUD Section 8 Management Assessment Program (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

FMR/Exception Rent & Payment Standards

Annual Re-examinations

Correct Tenant Rent Calculations

Pre-Contract HQS Inspections

HQS Inspections

Lease-up

Family Self-Sufficiency Enrollment and Escrow Account Balances

Bonus Indicator Deconcentration

Supervisory quality control reviews will be performed by a PHA 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 under SEMAP regulations.

M. RECORD RETENTION

In order to demonstrate compliance with HUD and other pertinent regulations, the PHA 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 the PHA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

Supervisory staff will audit the following functions in accordance with SEMAP requirements:

- Reexaminations
- New applications

During the term of each assisted lease, and for at least three years thereafter, the PHA must keep:

- A copy of the executed lease;
- The HAP contract; and
- The application from the family.

In addition, the PHA must keep the following records for at least three years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
- An application from each ineligible family and notice that the applicant is not eligible;
- HUD-required reports;
- Unit inspection reports;
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Accounts and other records supporting PHA budget and financial statements for the program;
- Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.
- Notice PIH 2014-20 requires PHAs to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

If an informal hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents.

RECORDS MANAGEMENT

PHAs must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

- All applicant and participant information will be kept in a secure location and access will be limited to authorized PHA staff.
- PHA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the PHA may release the information collected.

Upfront Income Verification (UIV) Records

The PHA has adopted and implemented EIV security procedures required by HUD.

N. PRIVACY RIGHTS [24 CFR 982.551]

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

The PHA's policy regarding release of information is in accordance with federal, state and local laws which may restrict the release of family information.

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

PHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

The PHA will comply, on a case-by-case basis, with written information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or parole or probation violators. If appropriate, the PHA will provide law enforcement officials with the individual's current address, Social Security number and photograph (if applicable) of any recipient of assistance.

O. OWNER OUTREACH [24 CFR 982.54(d)(5), 982.153(b)(1)]

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

The PHA encourages participation by owners of suitable decent, safe and sanitary housing units located outside areas of poverty or minority concentration. Voucher holders are informed of a broad range of areas where they may lease units inside the PHA's jurisdiction and are given a list of landlords or other parties who are willing to lease units outside areas of poverty or minority concentration. The PHA 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.

The PHA conducts owner outreach to ensure that owners are familiar with the program and its advantages. The PHA conducts meetings with participating owners to improve owner relations and to recruit new owners.
The PHA maintains a list of units available for the HCV Program and updates this list at least weekly. When listings from owners are received, they are compiled by the PHA staff by bedroom size.

Printed materials are offered to acquaint owners and managers with the opportunities available under the program.

The PHA belongs to a local organization comprised of private property owners, apartment owners and managers, and real estate brokers, the North Coast Rental Housing Association. The PHA is an active participant and attends meetings regularly, updating landlords and managers on current HCV issues.

The PHA periodically establishes contact with civic, charitable and neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements.

P. DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

"Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users

- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the $480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.

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

INTRODUCTION

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

A. ELIGIBILITY FACTORS [982.201(B)]

The PHA accepts applications only from families whose head or spouse is at least 18 years of age or emancipated minors under State law.

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the PHA.

The HUD eligibility criteria are:

- An applicant must be a "family" (See Section B)
- 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 where required. At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance.
- An applicant must consent to the PHA's collection and use of family information as provided for in PHA-provided consent forms.

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

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a voucher.

Equal Access Rule. It is the policy of the PHA that determination of eligibility for housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status. The Equal Access Rule applies to all HUD-assisted housing including Section 8 Housing Choice Voucher (HCV), and Project Based Voucher (PBV).

No owner of HUD-assisted housing, or any other recipient or sub-recipient of HUD funds

may inquire about the sexual orientation or gender identity of an applicant for, or occupant of, HUD-assisted or HUD-insured housing for purposes of determining eligibility or otherwise making such housing available.

The Equal Access Rule applies to private owners that participate in housing programs funded under Section 8 of the U.S. Housing Act of 1937, 42 U.S.C §1437, who must make housing available without regard to actual or perceived sexual orientation, gender identity, or marital status. A private owner that participates in the HCV program becomes subject to the rule when the owner executes a housing assistance payments (HAP) contract with the PHA. It is at that point that the owner becomes subject to the rule.

The PHA and owners are prohibited from inquiring about an applicant's or participant's sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available. This does not prohibit an individual from voluntarily self-identifying sexual orientation or gender identity.

B. FAMILY COMPOSITION [24 CFR 982.201]

To be eligible for assistance, the applicant must qualify as a family. A family may be a single person or a group of persons, regardless of actual or perceived sexual orientation, gender identity or marital status.

A "family" as defined by HUD includes a family with a child or children, two or more elderly persons or disabled persons living together, one or more elderly or disabled persons living with one or more Live-In Aides, or a single person. A single person family may be an elderly person, a near-elderly person, a displaced person, a disabled person, or any other single person. The PHA has the discretion to determine if any other group of persons qualifies as a family.

A family may also include two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members. Bedroom size determination will be assessed at recertification.

Live-In Aides [24 CFR 982.319]

To be approved for a Live-In Aide, a participant must have documentation from a Licensed Medical Practitioner which states the need for a Live-In Aide, and a Live In Aide must have been identified and approved by the housing authority. This documentation must be on the HCV ***Live-In Aide Verification Form***, stating the need for a Live-In Aide. This form must be updated each year at the Annual Recertification. The participant must provide a completed PHA's Live-In Aide Declaration form to the Housing Authority for approval of the aide. Additional bedrooms are not allowed for family members of a Live-In Aide.

If the Live-In Aide moves from the unit, the participant will be allowed 60 days to identify a new Live-In Aide and receive approval from the housing authority. If a new Live-In

Aide has not been identified in 60 days, the Voucher will be downsized to exclude the extra bedroom for the Live-In Aide.
A Live-In Aide must not be obligated for the financial support of the participant, and would not be living in the unit except to provide care for the participant. This must be a full-time Live-In Aide's only residence.

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 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.

At any time, the PHA may refuse to approve a particular person as a Live-In Aide or may withdraw such approval if:

- They have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- They have committed drug-related criminal activity, violent criminal activity, or any other criminal activity; or are required to register as a sex offender.
- They currently owe rent or other amounts to the PHA or to another PHA in connection with Section 8 HCV or public housing assistance under the 1937 Act.
- They have previously terminated from the Section 8 or HCV Program.
- They do not pass the PHA's criminal background and sex offender status check.
- They are found to be in violation of any provisions of the Live-In Aide Policy.

See Live-In Aide Policy Addendum at the end of Chapter 2.

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 PHA will make the decision taking into consideration the following factors:

- Which family unit retains the children or any disabled or elderly members.
- 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 the PHA.

Multiple Families in the Same Household

Households consisting of two families living together, (such as a mother and father, and a daughter with her own husband or children), must apply separately for assistance by filling out two waiting list preliminary applications.

Joint Custody of Children

Children who are subject to a joint custody agreement will only be considered members of one HCV household.

When both parents are on the Waiting List and have joint custody, the parent whose name reaches the top of the waiting list first must verify custody through court documents before being allowed to claim the school-age child as a dependent.

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

In order to be eligible for assistance, an applicant must be either a very low-income family or a family in any of the following categories:

- A family whose income is at or below 60% of HUD's median annual income limit and includes an adult household member who is employed.
- A low-income family that is continuously assisted under the 1937 Housing Act. Programs include any housing federally assisted under the 1937 Housing Act.
- A low-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract of a federally assisted project.

To determine if the family is income-eligible, the PHA compares the Annual Income of the family to the applicable income limit for the family's size as provided by HUD.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

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.

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

Families are required to provide verification of Social Security Numbers for all family members prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program. All family members must supply the PHA with a copy of their Social Security Card within 60 days of admission to the Program.

Failure to furnish verification of social security numbers is grounds for denial or

termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days.

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. Not eligible for assistance.

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

Verification of Status Before Admission

The PHA will not provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

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

The PHA may apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

- The family must not have violated any family obligation during a previous participation in the HCV program for 5 years prior to final eligibility determination.
- The PHA will make an exception, if the family member who violated the family obligation is not a current member of the household on the application or for other mitigating circumstances.

- The family must pay any outstanding debt owed the PHA or another PHA as a result of prior participation in any federal housing program within 30 days of PHA letter to repay.
- The PHA will check criminal history for all adults in the household to determine whether any member of the family has violated any drug related or violent criminal activity regulations. The PHA will prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.
- If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition.

G. TENANT SCREENING [24 CFR 982.307)]

The PHA will take into consideration any of the criteria for admission described in Chapter 15, "Denial or Termination of Assistance."

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

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. The PHA will inform the family in writing of the requirement to report any changes.

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, or an informal hearing if they were denied due to noncitizen status. See Chapter 19, "Complaints and Appeals" for additional information about reviews and hearings.

J. STUDENTS

A student who is enrolled at an institution of higher education who is under the age of 24, is not a veteran, is unmarried, and does not have any children, and the student's parents are individually, or jointly, ineligible for assistance, is not eligible for Section 8 Housing Choice Voucher rental assistance.

SONOMA COUNTY HOUSING AUTHORITY
LIVE-IN AIDE POLICY

To be approved initially for a Live-In Aide, a Section 8 HCV participant must have the *Section 8 Live-In Aide Form* completed by a Licensed Medical Physician. This form must state that the participant needs a Live-In Aide who will be in the home on a nightly basis. This form must be updated each year at the Annual Recertification.
When the Housing Authority has received the signed *Section 8 Live-In Aide Form*,

the participant will be provided with a *Live-in Aide Declaration Form*, to be completed by the prospective Live-In Aide. When the completed *Live-In Aide Declaration Form* has been provided to the Housing Authority, a criminal background check will be completed with Sonoma County Courts to determine if the Live-In Aide has a history of criminal activity. The participant will be notified by the Housing Authority as to whether or not the Live-in Aide has been approved. If the Live-In Aide is approved, an additional bedroom will be added to the voucher.

A Live-In Aide cannot be obligated to support the participant. Live-In Aides reside in the unit at the will of the participant and do not have any claim, present or future, on the Section 8 HCV. The Section 8 unit must be the Live-In Aide's only residence.

To change the Live-In Aide*,* the participant must notify the Housing Authority *prior to* allowing a new Live-In Aide to move into the unit. The participant will be provided with a new *Live-In Aide Declaration Form* to be completed by the new Live-In Aide and a *Lease Addendum* to be completed by the Property Owner or Manager. When both completed forms are returned to the Housing Authority, the participant will be notified by the Housing Authority as to whether the new Live-In Aide has been approved.

If a Section 8 HCV participant has been previously approved to have a Live-In Aide, but they do not have an Aide for more than 60 days, the voucher size will be reduced to eliminate the bedroom for the Live-In Aide.

Live-In Aides *may not* move into a Section 8 HCV unit until they have been approved by the Housing Authority. Failure to comply could result in the termination of Section 8 HCV Rental Assistance.

Chapter 3
APPLYING FOR ADMISSION
[24 CFR 982.204]

INTRODUCTION

The policy of the Housing Authority 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 the Housing Authority 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 or preliminary application taking is to permit the Housing Authority to gather information and determine placement on the waiting list. The preliminary application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any of the Housing Authority's programs must complete a preliminary application form when the waiting list is open.

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 a preliminary application.

Preliminary applications will be available on-line through a link on the Housing Authority’s website. Paper preliminary applications will only be provided to interested families as a reasonable accommodation for persons with a disability that prevents them from applying on-line.

The application process will involve two Housing Authorities. The first is the preliminary application for assistance (previously referred to as a questionnaire). This first Housing Authority’s results in the family's placement on the waiting list.

The second Housing Authority 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 the Housing Authority ensures that verification of all HUD and Housing Authority eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher.

B. OPENING/CLOSING OF THE WAITING LIST [24 CFR 982.206, 982.54(d)(1)]

The Housing Authority will utilize the following procedures for opening the waiting list. When the Housing Authority opens the waiting list, it will publicize the availability and

nature of housing assistance for very low income families through public notice in the following newspapers, minority publications and media entities.

Newspapers

Argus Courier
Bodega Bay Navigator
Cloverdale Reveille
Healdsburg Tribune
Northern California Bohemian
Press Democrat
Sonoma Index Tribune
Sonoma West Times
Windsor Times

Television Stations

Media Labs – A Community Media Center for the North Bay (Channel 26, 27, 28, 30)
KRCB (Channel 22)

Radio Stations

KBBF (Spanish) – 89.1 FM
KFGY – 92.9 FM
KXFX – 101.7 FM
KRVR – 97.7 FM
KSRO – 1350 AM
KRSH – 95.9 FM
KJZY – 93.7 FM
KRRS (Spanish) – 1460 AM
KTOB – 1490 AM
KRCB – 91.1 FM
KZST – 100.1 FM

To reach persons who cannot read the newspapers, the Housing Authority will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The Housing Authority will also utilize public service announcements.

The following organizations, as well as others, will be notified of the opening of the

Housing Choice Voucher Waiting List.

Adult and Aging Services
La Luz Bilingual Center
Becoming Independent
NAACP
Boys and Girls Club of Cloverdale
Oaks of Hebron
Boys and Girls Club of Healdsburg
Community Action Partnership
Boys and Girls Club of Sonoma Valley
Petaluma People Services Center
California Human Development Corporation
California Parenting Institute
Fair Housing of Sonoma County
Catholic Charities
Sonoma County Human Services Dept.
Committee On The Shelterless
Sonoma County Dept. of Health Services
Town of Windsor
Community Support Network
Veteran's Service Office
Council on the Aging
Vietnam Veterans of America
Disability Services and Legal Center
Face to Face AIDS Network
Community and Family Service Agency
Family Support Center
YWCA

The notice will contain:

The dates, times, and the locations where families may apply.

The programs for which preliminary applications will be taken.

A brief description of the program.

Limitations, if any, on who may apply.

The notices will provide potential applicants with information that includes the Housing Authority address and telephone number, how to submit a preliminary application and information on eligibility requirements. Notices will also be provided in Spanish.

The Housing Authority will submit press releases to local newspapers, including minority newspapers, develop informational materials to distribute to other agencies, provide application forms to other public and private agencies that serve the low income population, and develop partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities.

At the Housing Authority's discretion, when the waitlist is closed, it may remain open for specific preferences (ie, Special Admissions, Shortfall or Loss of Rental Assistance Funding, Limited Homeless Allocation Preference, Move On Preference, and Housing Access and Reentry Pilot Program) even when the wait list is closed. This information will be posted and updated at www.sonoma-county.org/cdc for families seeking housing assistance.

Closing the Waiting List

The Housing Authority will announce the closing of the waiting list by public notice.
The Housing Authority will add the applicants to the list by separating the new applicants into groups based on preferences and ranking applicants within each group by date and time of preliminary application.

Limits on Who May Apply

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 a preliminary application.

When the preliminary application is submitted to the Housing Authority:

It establishes the family's preference, income eligibility (See Chapter 2, Section C), and date and time of receipt of preliminary application for placement order on the waiting list.

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

The Housing Authority will utilize an on-line preliminary application. The information is to be filled out by the applicant whenever possible. Translations will be provided in Spanish.

The purpose of the preliminary application is to permit the Housing Authority to preliminarily assess family eligibility or ineligibility and to determine placement on the

waiting list. Ineligible families will not be placed on the waiting list.

If the family is determined to be ineligible based on the information provided in the preliminary application, the Housing Authority will notify the family in writing, 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.

Preliminary applications will not require an interview. The information on the preliminary 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 the Housing Authority in writing of changes in address. Applicants are also required to respond to requests from the Housing Authority to update information on their preliminary application and to determine their need for assistance.

If after a review of the preliminary application the family is determined to be preliminarily eligible, they will be notified in writing.

This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

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

The Waiting List may be updated as needed by contacting applicants to ensure that the waiting list is current and accurate. The notice will ask for confirmation of continued interest. The Housing Authority may opt to purge only enough applicants to enable the Housing Authority to have current information on those applicant families who are likely to reach the top of the waiting list in the next 12 to 24 months.

Applicants who are notified must complete a new preliminary application providing all information needed for placement on the waiting list, such as address and phone number, household composition, income, preferences claimed, and minority designation of the head of household. Any notices to the applicant which require a response will have a clear and reasonable response deadline and state that failure to respond by the deadline will result in the applicant's name being dropped 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 with a forwarding address, a waitlist update form will be sent to the applicant at the new address. If the waitlist update form is not returned within fourteen days, the applicant will be withdrawn without further notice. If a letter is returned by the Post Office because of unknown whereabouts, the applicant will be withdrawn without further notice, an image of the envelope and letter will be maintained in the file. If an applicant is removed from the waiting list for failure to respond, they will

not be entitled to reinstatement unless the Housing Authority determines there were circumstances beyond the person's control.

F. TIME OF SELECTION [24 CFR 982.204, 5.410]

When funding is available, families will be selected from the waiting list in their determined sequence.

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

G. COMPLETION OF A FULL APPLICATION

All preferences claimed on the preliminary application or while the family is on the waiting list will be verified after the family is selected from the waiting list, and prior to completing the full application.

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 the Housing Authority is ready to select applicants, applicants will be required to participate in a full application interview with a Housing Authority representative. During the interview, the applicant will be required to furnish complete and accurate information as requested by the interviewer. The Housing Authority interviewer will complete the full application form with information supplied by the applicant. The applicant will sign and certify that all information is complete and accurate.

Requirement to Attend Interview

The Housing Authority 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 Housing Authority 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 or for members for whom attendance would be a hardship.

The head and spouse or co-head are both required to attend the interview.

It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule or misses two scheduled meetings, the Housing Authority will make an administrative determination that the family is no longer seeking rental assistance and will withdraw the application.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than ten days from the original appointment date.

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.

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the Housing Authority, The declarations and consents related to citizenship/immigration status and any other documents required by the Housing Authority. 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 the Housing Authority.

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

If the information is not supplied in the specific time period, the Housing Authority will make an administrative determination that the family is no longer seeking rental assistance and will withdraw the application.

H. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in Chapter 7, "Verification Procedures." 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.

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

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

Chapter 4
ESTABLISHING PREFERENCES AND MAINTAINING A WAITING LIST

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206, 982.207]

INTRODUCTION

It is the Housing Authority'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 the Housing Authority has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the Housing Authority's system of applying them.

By maintaining an accurate waiting list, the Housing Authority 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]

The Housing Authority uses a single waiting list for admission to its HCV tenant-based assistance program.

Except for Special Admissions, defined below, applicants will be selected from the Housing Authority waiting list in accordance with policies and preferences outlined in this chapter.

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

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

Applicant Name

Family Unit Size (number of bedrooms family qualifies for under Housing Authority subsidy standards)

Date and time of application

Qualification for any local preference

Racial or ethnic designation of the head of household

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

If HUD awards the Housing Authority program funding that is targeted for specific families, the Housing Authority 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.

The Housing Authority maintains separate records of these admissions.

Applicants who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the automated system.

If HUD awards a Housing Authority program funding that is targeted for families living in specified units, the Housing Authority must use the assistance for the families living in these units under a Special Admission procedure.

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; and
>
> A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term.

C. TARGETED FUNDING [24 CFR 982.204(e)]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

D. LOCAL PREFERENCES [24 CFR 982.207]

Local preferences will be used to select families from the wait list. Each preference will receive an allocation of points so that the computer software can accurately determine the placement of families on the wait list. The applicant's cumulative points will determine the preference status and position on the wait list.

When verifying preferences, the Housing Authority reserves the right to verify the authenticity of any document it deems to be questionable or contains a discrepancy.

The Housing Authority uses the following Local Preference system:

> a. Jurisdiction Preference. A preference is granted to applicants who reside or work in the jurisdiction of the Sonoma County Housing Authority, or with Sonoma County Coordinated Entry verification, applicants who are homeless or in a transitional housing program anywhere within Sonoma County. Under certain circumstances, the Housing Authority may accept verification from a homeless

services provider located within Sonoma County. To receive the homeless in jurisdiction preference, applicants who are receiving benefits from another governmental agency, must be doing so within Sonoma County or in the process of transferring services to Sonoma County. This preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family. (100 points)

b. Preference for Shortfall or loss of Rental Assistance Funding: A preference is granted to applicants within the following groups (500 points):

- Income eligible households whose rental assistance is being terminated due to insufficient funding or term expiration of other rental assistance programs administered by the Housing Authority.
- Income eligible families whose rental assistance is being terminated due to insufficient funding of other rental assistance programs funded through the Sonoma County Continuum of Care.

c. <u>In-Place Preference</u>. A limited preference will be granted to families who are considered to be living in-place. This preference applies to those who have been living in a unit within the jurisdiction of the Sonoma County Housing Authority for at least three months and the landlord is willing to accept the HCV Program if the applicant is approved. This preference will be granted to 15% of all names pulled from the waitlist at each pull. Required documentation will include a letter from the landlord certifying that he/she will accept the voucher, a copy of applicant's lease in an appropriate size dwelling for the family listed in the housing application, and copies of utility bills for a 3 (three) month period verifying residency in the unit. Should a voucher be issued using this preference and the voucher is unable to be utilized in the "in place" unit, the voucher will be rescinded and the applicant returned to the waiting list. (200 points) (Rev 07/10/2018)

d. <u>Other Preference</u>. A preference is granted to applicants with household members in the following groups (1 point):

- Veterans or surviving spouses of veterans,
- Persons with disabilities,
- Seniors, and
- Families with minor children.

This preference is non-cumulative, meaning only one preference is granted for an applicant household that may have members in more than one group. For example, a household with senior and Veteran members will receive only one preference. The third preference is weighted equally for all groups listed above.

All applications with the same amount of preferences or no preference are then ranked by date and time of receipt of a completed preliminary application.

e. Super Preference. Subject to the availability of Annual Contributions Contract authorized voucher units, Thirty-six (36) Housing Choice Vouchers per year may be made available for families engaged in homeless assistance programs and/or initiatives within the County of Sonoma. These vouchers will be issued based on referrals from the Sonoma County Coordinated Entry Program from agencies that have adopted a Housing First model of homeless services programs. The families referred under this program will be granted a "super" preference on the Housing Authority Waiting List. Super Preference applicants must meet Housing Authority income and other eligibility requirements.

f. Move On Allocation. Contingent upon funding, the Housing Authority will allocate up to 10% of program vouchers per year to serve households eligible for this limited preference. This preference is referral based and is intended for formerly homeless individuals/families who have successfully participated in a Permanent Supportive Housing (PSH) program (see Glossary for definition) within Sonoma County, and have been determined ready to move into housing without attached supportive services. Issuing these households tenant-based vouchers will create vacancies in PSH programs thereby allowing additional homeless families in need of services to be housed. At its discretion, the Housing Authority will annually evaluate whether to renew this preference. Referrals will be taken from an approved PHA third party.

4. Based on the availability of HCV funding, the Housing Authority recognizes the following separate local jurisdiction preference.

- Income eligible families displaced as a result of a federal or state declared disaster.
- Income eligible families displaced as a result of insufficient funding for other rental assistance programs administered by the Housing Authority.
- Income eligible families whose rental assistance is being terminated due to insufficient of other rental assistance programs funded through the Sonoma County Continuum of Care.
- Income eligible families whose dwelling was within the jurisdiction of the Housing Authority at the time of application, but is no longer due to annexation.

E. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CFR 5.415]

At the time of application, an applicant's entitlement to a Local Preference may be made on the following basis:

An applicant's certification that they qualify for a preference will be accepted without verification at the preliminary application. When the family is selected

from the waiting list for the final determination of eligibility, the preference will be verified.

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 to discuss the preference.

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 the Housing Authority in writing when their circumstances change.

F. HOUSING ACCESS AND REENTRY PILOT PROGRAM

The Housing Authority may consider adopting policies that allows individuals formerly incarcerated to live with their families in assisted housing, while receiving supportive services. An individual who would otherwise be ineligible for assisted housing assistance must have been referred to the Housing Authority by any partnering agency and may be considered for housing based on adjusted policy criteria associated with the programs suitability standards, to exclude any period of time from the date of the offense as indicated in Section 15.A. This reentry pilot program proposes to allow approximately 9 individuals to enter the Housing Authority as a newly admitted household (See Section 4.3). There is no proposed cap on the number of individuals allowed to join a Housing Authority assisted household for the purpose of reunifying other family member households. All persons considered under this pilot program are subject to an Informal Review per the procedures outlined in Section 19.B. At its discretion, the Housing Authority will annually evaluate whether to renew this preference.

Exceptions to the suitability standards would not be extended to the following HUD required denials [24 CFR 960.204] to the following individuals:

- Persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing;
- Any person subject to a life time registration requirement under a state sex offender registration program.

G. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the Housing Authority will reserve a minimum of seventy-five percent of its HCV new admissions for extremely low-income families. The Housing Authority will admit families who qualify under the Extremely Low Income limit to meet the income targeting requirement, regardless of 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, the family will be returned to the waiting list.

The Housing Authority's income targeting requirement does not apply to low-income families continuously assisted as provided for under the 1937 Housing Act.

The Housing Authority is also exempted from this requirement where the Housing Authority is 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.

Chapter 5
SUBSIDY STANDARDS
[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that Housing Authority's 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 the Housing Authority'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 Housing Authority does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The Housing Authority's subsidy standards for determining voucher size shall be applied in a manner consistent with the needs of the family.

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

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

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

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

One bedroom will be allowed for adult(s) Head of Household.

Foster children will be included in determining unit size.

Live-In Aides who reside in the unit full-time will be provided a separate bedroom. This must be their only residence. No additional bedrooms are provided for the Aide's family.

Aides who reside in the unit part-time and who maintain a separate residence will not be provided a separate bedroom.

At the discretion of the housing authority, a child who is away at school but who lives with the family during school recesses, up to age 22, may be counted as part of the family in determining unit size. Verification must be provided to document that they are residing in the residence during school breaks.

GUIDELINES FOR DETERMINING VOUCHER SIZE

Voucher Size	Persons in Household	
	Minimum Number	Maximum Number
0 Bedroom	1	2
1 Bedroom	1	4
2 Bedrooms	2	6
3 Bedrooms	3	8
4 Bedrooms	4	10
5 Bedrooms	5	12
6 Bedrooms	6	14

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

The Housing Authority may grant exceptions from the subsidy standards as a reasonable accommodation for a qualified person with a disability

Changes for Participants

The members of the family residing in the unit must be approved by the Housing Authority. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the Housing Authority within 14 days.
If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the Housing Authority will issue a new Voucher of the appropriate size.

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

The family may select a different size dwelling unit than that listed on the Voucher. There are three criteria to consider:

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

The payment standard amount for the family unit size; or

The payment standard amount for the unit size rented by the family.

Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, or the size authorized on the family's Voucher, whichever is less.

Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

Unit Size	Maximum Number in Household
0 Bedroom	2
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

Chapter 6
FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION
[24 CFR Part 5, Subparts E and F; 982.153, 982.551]

INTRODUCTION

The Housing Authority 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. The Housing Authority's policies in this Chapter address those areas which allow the Housing Authority 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 Federal Regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 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.

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 is 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. MINIMUM RENT [24 CFR 5.630]

Minimum Rent

Effective July 1, 2004, the Housing Authority implemented a "minimum rent" of $50. Minimum rent refers to the 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

The Housing Authority recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The Housing Authority will review all relevant circumstances brought to the Housing Authority's attention regarding financial hardship as it applies to the minimum rent. The following section states the Housing Authority'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 noncitizen 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 the Housing Authority or HUD.

Housing Authority Notification to Families of Right to Hardship Exception

The Housing Authority will notify all families subject to minimum rents of their right to request a minimum rent hardship exception.
The Housing Authority notification will advise families that hardship exception determinations are subject to Housing Authority review and hearing procedures.
The Housing Authority 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.
- Requests for minimum rent exception must include a statement of the family hardship that qualify the family for an exception.
- The Housing Authority will request documentation as proof of financial hardship.
- The Housing Authority will use its standard verification procedures to verify circumstances which have resulted in financial hardship.

Suspension of Minimum Rent

The Housing Authority will grant the minimum rent exception to all families who request it, effective the first of the following month.
The minimum rent will be suspended until the Housing Authority determines whether the hardship is:

- Covered by statute
- Temporary or long term

"Suspension" means that the Housing Authority must not use the minimum rent calculation until the Housing Authority 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 Housing Authority determines that the minimum rent is not covered by statute, the Housing Authority will impose a minimum rent including payment for minimum rent from the time of suspension.

Temporary Hardship

If the Housing Authority 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.

The Housing Authority will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period. (See "Owner and Family Debts to the Housing Authority" chapter for Repayment agreement policy).

Long-Term Duration Hardships

If the Housing Authority determines that there is a qualifying long-term financial hardship, the Housing Authority 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.

C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT [24 CFR 982.54(d)(10), 982.551]

The Housing Authority must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the Housing Authority 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 less than 30 consecutive days.

Income of persons permanently absent will not be counted. If the spouse or co-head 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 Housing Authority will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household may be considered permanently absent if s/he is away from the unit for 30 or more 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 Housing Authority 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 180 consecutive days, the family member may 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 Housing Authority's "Absence of Entire Family" policy, as described in this chapter.

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, spouse or co-head) up to age 22, who attends school away from home but lives with the family during school recesses may be considered either temporarily or permanently absent. If the Housing Authority decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of voucher size.

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 30 consecutive days.

The Housing Authority will determine if the reason for incarceration is for drug-related or violent criminal activity.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the Housing Authority 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 12 months from the date of removal of the child/ren, 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 Housing Authority's subsidy standards.

Absence of Entire Family

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

Families are required both to notify the Housing Authority before they move out of a unit and to give the Housing Authority information about any family absence from the unit.

Families must notify the Housing Authority in advance if they are going to be absent from the unit for more than 14 consecutive days.

If the entire family is absent from the assisted unit for more than 30 consecutive days without notice to the Housing Authority, the unit will be considered to be vacated and the assistance may be terminated.

If it is determined that the family is absent from the unit, the Housing Authority will not continue assistance payments.

HUD regulations require the Housing Authority to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the Housing Authority may:

Write letters to the family at the unit

Telephone the family at the unit

Interview neighbors and property owner/manager

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.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the Housing Authority 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 the appropriate agency cannot confirm the guardianship status of the caretaker, the Housing Authority will review the status at 30-day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the Housing Authority will secure verification from social services staff or the attorney as to the status.

If custody is awarded for a limited time in excess of stated period, the Housing Authority will state in writing that the transfer of the voucher is for that limited time or as long as they have custody of the children. The Housing Authority will use discretion as deemed appropriate in determining any further assignation of the voucher on behalf of the children.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

The Housing Authority will transfer the voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than three months and it is reasonable to expect that custody will be granted.

When the Housing Authority approves a person to reside in the unit as caretaker for the child/ren, the income will be counted pending a final disposition. The Housing Authority will work with the appropriate service agencies and the owner 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 30 days, the person will be considered permanently absent.

Visitors

Any adult not included on the Housing Authority application and the HUD 50058 who has been in the unit more than 14 consecutive days without Housing Authority approval, or a total of 14 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord may be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

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

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 14 days per year without being considered a member of the household.

Reporting Additions to Owner and Housing Authority

Reporting changes in household composition to the Housing Authority is both a HUD and a Housing Authority requirement.

The family obligations require the family to request Housing Authority approval to add any other family member as an occupant of the unit and to inform the Housing Authority of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the Housing Authority, any person the family has permitted to move in will be considered an unauthorized household member.

Families are required to report any additions by birth, adoption or court-awarded custody to the household in writing to the Housing Authority within 14 days of the move-in date.

An interim reexamination may be conducted for any additions to the household.

In addition, the Housing Authority will require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

Reporting Absences to the Housing Authority

Reporting changes in household composition is both a HUD and a Housing Authority requirement.

If a family member leaves the household, the family must report this change to the Housing Authority, in writing, within 14 days of the change and certify as to whether the member is temporarily absent or permanently absent.

The Housing Authority will conduct an interim evaluation for changes which affect the Total Tenant Payment in accordance with the interim policy.

D. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the Housing Authority may:

Average known sources of income that vary to compute an annual income, or

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.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so as to reduce the number of interim adjustments.

E. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income may need to undergo an interim recertification every three months.

F. 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 Housing Authority 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 of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

G. 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 at regular intervals will be considered a "regular" contribution or gift and counted as income. 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 for further definition.)

H. SPOUSAL SUPPORT AND CHILD SUPPORT [24 CFR 5.609]

Regular spousal support and child support payments are counted as income for calculation of Total Tenant Payment.

The Housing Authority will accept verification that the family is receiving an amount less than the court award if the Housing Authority receives written verification.

I. 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 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.

J. 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.

K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d)(3)]

The Housing Authority must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The Housing Authority will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

L. CHILD CARE EXPENSES [24 CFR 5.603]

Reasonable child care expenses, as determined by a periodic survey of local child care

providers, will be allowed for children under 13 and may be deducted from annual income if they enable an adult to work or attend school full time, 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.

Allowability of deductions for child care expenses is based on the following guidelines:

> Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. 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.

The Housing Authority's Child Care Expense Verification form must be completed and verified in order to determine child care deductions.

M. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

As per the Housing Authority Medical Deduction Expense policy (See Chapter 7, page 15), medical expenses which are anticipated to be incurred during the 12 months following recertification, which are not covered by an outside source, will be considered as allowable for families who are eligible for the medical expense deduction. All medical expenses must be documented on the Housing Authority's Medical Expense form.

For nonprescription medicines and over the counter items, the Housing Authority Medical Expense form must be completed by a doctor or knowledgeable medical practitioner stating the need for these items. A medical deduction will not be allowed for food items or travel expenses.

N. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

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

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.

O. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR 982.153, 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 Housing Authority'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 Housing Authority may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The Housing Authority must classify utilities in the utility allowance schedule according to the following general categories: space heating, cooking, water heating, water, sewer, trash collection; other electric, refrigerator (for tenant-supplied refrigerator), range (cost of tenant-supplied range).

The Housing Authority 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 participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their voucher. The utility allowance is based on the actual unit size selected or the family's voucher size, whichever is less.

Where families provide their own range and refrigerator, the Housing Authority 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 120-month period.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the Housing Authority will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the participant.

Chapter 7
VERIFICATION PROCEDURES
[24 CFR Part 5, Subparts B, D, E and F; 982.108]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by the Housing Authority. Housing Authority staff will obtain written verification from independent sources whenever possible and will document participant 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 the Housing Authority whenever information is requested. The Housing Authority's verification requirements are designed to maintain program integrity. This Chapter explains the Housing Authority's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The Housing Authority will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

The Housing Authority will verify information through at least one of the following methods of verification acceptable to HUD:

- Up-Front Income Verification (UIV)
- Third-Party Written Verification
- Third-Party Oral Verification
- Review of Documents
- Self-Certification

The Housing Authority will allow two weeks for return of third-party verifications. In the event they are not received, the Housing Authority will use an alternate acceptable method of verification.

For applicants, verifications may not be more than 60 days old at the time of voucher issuance. For participants, they may not be more than 120 days old.

Up-Front Income Verification (UIV)

UIV is the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. The Housing Authority will use available resources, including UIV techniques to obtain verification of participant-reported, including unreported or underreported income.
Enterprise Income Verification (EIV) is a HUD provided Internet-based tool that allows

Housing Authorities to view employment information, wages, unemployment compensation and social security benefit information for HCV participants. The purpose of HUD's EIV System is to make integrated income data available from one source, via the Internet, for Housing Authorities to use to improve income verification during required income reexaminations.
The EIV system is used to validate participant reported income through a data matching process which allows Housing Authorities to view monthly information for participants within the Housing Authority's jurisdiction. It also provides income discrepancy reports to identify families who may have substantially underreported household income.
The Housing Authority will use the EIV system as the primary source when available.

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 fax or mail. The family will be required to sign an authorization for the information source to release the specified information.

The Housing Authority will accept verifications in the form of computerized printouts from the following agencies:

Social Security Administration

Veterans Administration

Welfare Assistance

Department of Child Support Services

Employment Development Department

Unemployment Compensation Board

Other City, County or Federal Agencies

When computer matching results in a discrepancy with information in the Housing Authority records, the Housing Authority will follow up with the family and verification sources to resolve this discrepancy.

The Housing Authority also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information.

Third-Party Oral Verification

Oral third-party verification may be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a certification of the document viewed or person contacted, noting with whom they spoke, the date of the conversation, and the facts provided.

Review of Documents

If the Housing Authority has determined that third-party verification is not available or not required, the Housing Authority will use documents provided by the family as

verification. The Housing Authority may also review documents when necessary to help clarify information provided by third parties. In such cases the Housing Authority will document in the file how the Housing Authority arrived at a final conclusion about the income or expense to include in its calculations.
If the Housing Authority utilizes documents provided by the family as the primary source, the documents must provide complete information. All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a certification of the document viewed or the person contacted.
The Housing Authority will accept the following documents from the family:

Printed wage stubs

Computer print-outs from the employer

Signed letters

Other documents noted in this Chapter as acceptable verification

Self-Certification

When information cannot be verified by a third party or by review of documents, the applicant or program participant will be required to submit self- certifications attesting to the accuracy of the household information they have provided to the Housing Authority. This source of verification will only be used when all other options have not been successful.

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.

Each member requested to consent to the release of specific information may be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the Housing Authority or HUD.

C. ITEMS TO BE VERIFIED [24 CFR 982.516]

All income.

Full-time student status including High School students who are 18 or over.

Current assets.

Child care expense where it allows an **adult** family member to be employed or to further his/her education.

Total medical expenses of all family members in households whose head or spouse is elderly or disabled.

Disability assistance expenses for a disabled member of the family, which allow an ***adult*** family member to be employed.

Disability for determination of preferences, allowances or deductions.

Eligible immigrant status.

Social Security Numbers for all family members who have been issued a social security number.

"Preference" status.

Status when needed for non-citizen rule.

Birthdates for minor household members.

Verification of Reduction in Benefits for Noncompliance:

> The Housing Authority 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.

D. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods the Housing Authority will use to verify various types of income.

Employment Income

Acceptable methods of verification include:

1. EIV

2. Verification of quarterly earnings may be requested from the Employment Development Department for adult household members under the age of 62.

3. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.

4. Employment verification form completed by the employer. Verification forms request the employer to specify the:

   Dates of employment

   Amount and frequency of pay

Estimated income from overtime, tips, bonus pay expected during next 12 months

5. W-2 forms plus income tax return forms.

6. Self-certifications or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

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

Acceptable methods of verification include:

1. EIV

2. Benefit verification form completed by agency providing the benefits.

3. Award or benefit notification letters prepared and signed by the providing agency.

4. Computer report electronically obtained or in hard copy.

5. Direct deposit verification from bank statement.

Unemployment Compensation

Acceptable methods of verification include:

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.

3. Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include:

1. Cal-Win computerized State system

2. Housing Authority verification form completed by payment provider.

3. Computer generated or written statement from payment provider indicating the amount of grant/payment, start date of payments, and 12 month print-out of benefits.

4. Computer-generated Notice of Action.

Spousal Support or Child Support Payments

Acceptable methods of verification include:

1. Verification form from Department of Child Support Services

2. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
3 A letter from the person paying the support.
4. Copy of the most recent checks and/or payment stubs from the agency or person paying support.
5. Family's self-certification of amount received.
6. Computer generated payment history.

Net Income from a Business

In order to verify the net income from a business, the Housing Authority 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. Family's self-certification as to net income realized from the business during previous years, i.e.: ledgers and quarterly IRS reports.

Recurring Gifts

The family must furnish a statement from the person who provides the gifts which includes the following information:

The value of the gifts

The regularity (dates) of the gifts

The purpose of the gifts

Zero Income Status

The Housing Authority will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SSI, etc., are not being received by families claiming to have zero annual income. If no income appears on any of these, then the Housing Authority will require the family to complete a self-declaration form.

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.

Generally, financial aid, scholarships and grants received by full-time students are not counted towards family income. However, financial aid that exceeds the amount paid for tuition may count towards family income when the student is over 23 years of age and has no dependent minor children in the household.

Verification of full-time student status includes:

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

Household members over 18 who claim on going full time student status will be required at each recertification to provide a transcript from the school in which they are enrolled and proof of current full-time enrollment.

E. INCOME FROM ASSETS [24 CFR 982.516]

Savings Account Interest Income and Dividends

Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or Housing Authority 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.

Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective

date of the certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family.

F. VERIFICATION OF ASSETS

Family Assets

The Housing Authority 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).

Due to the prohibitive costs incurred by the Housing Authority to determine asset information directly from the financial institution, the Housing Authority will utilize a minimum of two months of current statements from the financial institution or broker and provided to the Housing Authority by the participant. Additional bank or financial statements may be requested by the Housing Authority to determine eligibility.

Acceptable verification may also include any of the following:

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker 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, the Housing Authority will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

G. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]

Child Care Expenses

A Housing Authority child care provider verification form must be completed. The verification form will include the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

The family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources is required.

Medical Expenses

Families who claim anticipated medical expenses will be required to complete the Housing Authority medical expense form which must be verified and signed by a knowledgeable medical practitioner.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family will be accepted to document 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 will be accepted as verification.

For attendant care:

A knowledgeable medical practitioner's certification that the assistance of an attendant is necessary as a medical expense.

Attendant's written confirmation of 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.

See Medical Expense Deduction Policy at end of Chapter 7.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

In All Cases:

Written certification from a knowledgeable medical practitioner 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 and frequency of receipt.

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.

H. VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b)(15)]

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Housing Authority will consider any of the following as verification:

Husband or wife provides divorce action documentation.

Husband or wife provides legal separation documentation.

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 license, or lease or rental agreement, if available.

Statements from other agencies such as social services or a written statement from the owner or manager that the adult family member is no longer living at that location.

If no other proof can be provided, the Housing Authority 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 Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by a knowledgeable medical practitioner using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510, 5.512, 5.514]

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the Housing Authority hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required 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. The Housing Authority verifies the status through the INS SAVE system. If this primary verification fails to verify status, the Housing Authority 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 or eligible immigrant status occurs at the time of initial application.

The Housing Authority will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of at least one member of the family.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial Housing Authority does not supply the documents, the Housing Authority must conduct the determination.

Extensions of Time to Provide Documents

The Housing Authority may 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 a minimum of five years.

If the Housing Authority determines that a family member has knowingly permitted another individual who is not eligible for assistance (i.e. an unauthorized person) to reside permanently in the family's unit, the family's assistance may be terminated.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration.

If a family member cannot produce a Social Security Card, the documents listed below showing his or her Social Security Number may be used for temporary verification.

Identification card issued by a Federal, State or local agency

Identification card issued by Medicare or Medicaid

Benefit award letters from government agencies

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the Housing Authority.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the Housing Authority. The applicant/participant or family member will have an additional 60 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the Housing Authority may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Medical Need for Larger Unit

A request for a reasonable accommodation must be submitted per Housing Authority guidelines. Requests will be evaluated on an annual basis to determine ongoing medical need.

I. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410-5.430]

Preference information on preliminary applications will be updated as applicants are selected from the Waiting List. At that time, the Housing Authority will obtain necessary verifications of preference.

MEDICAL EXPENSE DEDUCTION POLICY

Participant families in the Section 8 Housing Choice Voucher Program in which the head of household, spouse or co-head is 62 years of age or older, or is a person with disabilities are entitled to the deduction. If the family qualifies for the deduction, the allowable medical expenses of all family members are considered, including the expenses of children and nonelderly adults.
The allowable medical expense deduction is that portion of a family's total annual unreimbursed medical expenses that exceeds 3% of the household's annual income. Anticipated medical expenses are expenses expected to be incurred during the 12 months following recertification which are not covered by an outside source such as insurance. The medical expense deduction is not intended to give a family an allowance

equal to last year's expenses, but to anticipate regular ongoing and anticipated expenses during the coming year. Generally, medical expenses are calculated annually at the time of Annual Recertification.

The following are expenses that may be included as long as they are actual anticipated out of pocket expenses that are not reimbursed or covered by insurance:

- Services of doctors and health care professionals
- Services of health care facilities
- Medical insurance premiums
- Prescription/nonprescription medicines (must be prescribed by a doctor)
- Dental expenses, eyeglasses, hearing aids, batteries
- Live-in or periodic medical assistance
- Monthly payment on accumulated medical bills (regular monthly payments on a bill that was previously incurred.) This deduction will only include the amount expected to be paid in the coming 12 months.

In order for the family to receive a medical deduction, each medical practitioner must complete and sign a Medical Expense Form, listing the name and cost for all prescriptions, over the counter supplements, and medical services that are anticipated to be paid by the participant during the upcoming 12 months. For medical bills for which the participant is making monthly payments, the Housing Authority requires a list those payments on the Medical Expense Doctor Form. Photocopies can be made of the Medical Expense Doctor Form if additional forms are needed. The Housing Authority does not allow a deduction for transportation or for food items (i.e. Ensure, organic foods). Allowable expenses for a verified, medically-necessary assistance animal are limited to an annual veterinarian examination and required vaccinations.

Chapter 8
VOUCHER ISSUANCE AND BRIEFINGS
[24 CFR 982.301, 982.302]

INTRODUCTION

The Housing Authority'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, the Housing Authority 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, Housing Authority 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. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups or individual meetings.

Briefings will be conducted in English and Spanish.

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.

The Housing Authority will not issue a Housing Choice 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 the Housing Authority, may be denied admission based on failure to attend and supply information needed for certification of eligibility. The Housing Authority will conduct individual briefings for families with disabilities as a reasonable accommodation upon request by the family.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the HCV program will comply with all HUD requirements.

The family is provided with the following information and materials:

The term of the voucher, and the Housing Authority 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 the Housing Authority determines the payment standard for a family; how the Housing Authority determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the Housing Authority determines the maximum allowable rent for an assisted unit will also be included.

Where the family may lease a unit. For a family that qualifies to lease a unit outside the Housing Authority jurisdiction under portability procedures, the information will include an explanation of how portability works.

The HUD required tenancy addendum, which must be included in the rental agreement/lease as an attachment.

The Request for Tenancy Approval form and a description of the procedure for requesting approval for a unit.

A statement of the Housing Authority policy on providing information about families to prospective owners.

The Housing Authority unit size standards.

A brochure on how to select a unit and the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.

The HUD brochure on lead-based paint.

Information on Federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The Housing Authority will also include the pamphlet "Fair Housing."

A list of units available for rent to assisted households.

If the family includes a person with disabilities, the Housing Authority will provide a list of available accessible units known to the Housing Authority.

The Family Obligations under the program. See Chapter 15.

The grounds on which the Housing Authority may terminate assistance for a participant family because of family action or failure to act.

Housing Authority informal hearing procedures including when the Housing Authority is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.

An explanation of how portability works and a list of neighboring housing agencies with the name, address and telephone number of each for use by families who move under portability.

A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.

Information regarding the Housing Authority's outreach program which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations.

Move Briefing

A move briefing will be held for participants who will be reissued a voucher to move and have given notice of intent to vacate to their landlord.

B. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

The Housing Authority encourages owners of decent, safe and sanitary housing units in all parts of Sonoma County to lease to HCV families.

The Housing Authority makes a concerted effort to keep private owners informed of legislative changes in the HCV 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.

At briefings, when families are issued vouchers, they are encouraged to search for housing throughout all areas of the County, including non-impacted areas. The Housing Authority will also provide housing search assistance to all families searching for housing. The Housing Authority has developed a Housing Search Workshop to assist families in locating a unit.

C. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The Housing Authority will give participants a copy of HUD form 903.1, "Housing Discrimination Information," for information and in order to file a complaint.

D. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

The owner is not required to but may collect a 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.

E. TERM OF VOUCHER [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a voucher which represents a contractual agreement between the Housing Authority 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.

The voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Tenancy Approval within the time period stated on the voucher unless an extension has been granted by the Housing Authority.

Extensions

The Housing Authority may extend the term of the voucher for up to 120 days from the beginning of the initial term. Reasons may include low vacancy rate and tight rental market. A family may request an additional 30 day extension of the voucher time period. All requests for extensions should be received prior to the expiration date of the voucher. Applicants may be directed to attend a Housing Search Workshop to verify their need for an extension. The reasons for an extension may include, but are not limited to, disability, medical need, and reasonable accommodation.

Suspensions

When a Request for Tenancy Approval is received, the Housing Authority will deduct the number of days required to process the request from the term of the voucher. The Housing Authority refers to suspension as “tolling of the voucher.”

The length at the tolled period will include the time involved in scheduling and completing the inspection and subsequent periods waiting for the unit to pass Housing Quality Standards. This tolled period will not exceed 30 days for any one unit.

Assistance to Voucher Holders

Families who require additional assistance during their search may attend a Housing Search Workshop at the Housing Authority Office. Voucher holders will be notified at their briefing session that the Housing Authority periodically updates the listing of available units and how the updated list may be obtained.

The Housing Authority will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

Expirations

If the voucher has expired, and has not been extended by the Housing Authority 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.

F. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the HCV 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 Housing Authority Supervisor 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.

The composition of the new family units, and which unit contains elderly or disabled members.

Whether domestic violence was involved in the breakup. In the event of actual and immanent threat of bodily injury, the victim of domestic violence, dating violence, or stalking will receive the voucher.

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, the Housing Authority may terminate assistance on the basis of failure to provide information necessary for a recertification.

G. REMAINING MEMBER OF FAMILY - RETENTION OF VOUCHER [24 CFR 982.315]

To be considered the remaining member of the participant family, the person must have been previously approved by the Housing Authority to be living in the unit, have been approved and added to the lease by the owner, and have resided in the dwelling for at least six months.

A live-in aide, 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

The Housing Authority 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 982.302]

INTRODUCTION [24 CFR 982.305(a)]

The Housing Authority'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. The Housing Authority'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 the Housing Authority, or outside of the Housing Authority'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 the Housing Authority. This Chapter defines the types of eligible housing, the Housing Authority's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RTA).

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.302, 982.305(b)]

The Request for Tenancy Approval (RTA) and a copy of the proposed Rental Agreement/Lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Tenancy Approval in the form and manner required by the Housing Authority.

The Request for Tenancy Approval must be signed by both the owner and voucher holder.

The Housing Authority will not permit the family to submit more than one RTA at a time.

The Housing Authority will review the proposed Rental Agreement 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 rent is reasonable
- The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)
- The Total Tenant Payment is under the adopted threshold adopted by the Housing Authority
- The Security Deposit is approvable in accordance with any limitations in this plan
- The proposed Rental Agreement complies with HUD and Housing Authority requirements (See "Rental Agreement/Lease Review" section below)

The owner certifies that the unit will be ready for occupancy within 60 days from the date of the RTA.

The owner is approvable, and there are no conflicts of interest (See Chapter 16, "Owner Disapproval"). In addition to the above, at the time a family initially receives assistance, the family share of rent may not exceed 40 percent of the family monthly adjusted income (See Chapter 11, "Owner Rents, Rent Reasonableness and Payment Standards").

Disapproval of RTA

If the Housing Authority determines that the Request for Tenancy Approval (RTA) cannot be approved for any reason, the landlord and the family will be notified by telephone. The Housing Authority will instruct the owner and family of the steps that are necessary to approve the RTA.

When, for any reason, an RTA is not approved, the Housing Authority will furnish another RTA form to the family so that the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]

The Housing Authority will approve any of the following types of housing in the voucher program:

All residential structure types can be utilized.

Manufactured homes where the tenant leases the mobile home and the pad.

Manufactured homes where the tenant owns the mobile home and leases the pad.

C. RENTAL AGREEMENT/LEASE REVIEW [24 CFR 982.308]

The Housing Authority will review the rental agreement, 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 into a contract under State and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the Request for Tenancy Approval.

The family and owner must submit a standard form rental agreement 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 rental agreement must be consistent with State and local law. The HUD prescribed tenancy addendum must be included and/or attached to the rental agreement word-for-word before the rental agreement is executed.

House Rules of the owner may be attached to the rental agreement as an addendum, provided they are approved by the Housing Authority to ensure they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

Actions Before Lease Term

All of the following must always be completed before the beginning of the initial term of the rental agreement for a unit:

The Housing Authority has inspected the unit and has determined that the unit satisfies the HQS;

The landlord and the tenant have executed the rental agreement, including the HUD-prescribed tenancy addendum;

The Housing Authority has approved renting of the unit in accordance with program requirements.

D. SEPARATE AGREEMENTS

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

The family is not liable under the rental agreement 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 rental agreement if the agreement is in writing and approved by the Housing Authority.

Any appliances, services or other items which are routinely provided to unassisted families as part of the rental agreement (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 rental agreement. 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 rental agreement/lease approved by the Housing Authority. If agreements are entered into at a later date, they must be approved by the Housing Authority and attached to the lease.

E. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See Chapter 10, "Housing Quality Standards and Inspections."

F. RENT LIMITATIONS [24 CFR 982.503]

The Housing Authority 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.

G. 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, the Housing Authority will negotiate with the owner to reduce the rent or to include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner, the Housing Authority will continue processing the Request for Approval of Tenancy and Rental Agreement.

If the owner does not agree to reduce the rent after the Housing Authority has tried to negotiate a revised rent, the Housing Authority will inform the family and owner that the assisted tenancy is disapproved.

H. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the Housing Authority will furnish prospective owners the name, address and telephone number of the current landlord and past landlords participating in the Section 8 Program with the subject client.

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

The Housing Authority 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.

I. 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 may be recalculated. If the family does not report any change, the Housing Authority need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old. An interim change may be done for changes after lease-up.

J. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The Housing Authority prepares the Housing Assistance Payments (HAP) Contract for execution. The family and the owner will execute the rental agreement/lease, and the owner and the Housing Authority will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The Housing Authority will retain a copy of all signed documents.

The Housing Authority makes every effort to execute the HAP Contract before the

commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The following Housing Authority representatives are authorized to execute a contract on behalf of the Housing Authority; Housing Authority Supervisor, Deputy Director Housing Authority, Executive Director.

Owners or their agents must provide an Employer Identification Number or Social Security Number and complete and sign an IRS Payee Data Record form provided by the Housing Authority.

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The Housing Authority will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

K. CHANGE IN OWNERSHIP

See Chapter 16, Section C, "Owner Disapproval and Restriction."

Chapter 10
HOUSING QUALITY STANDARDS AND INSPECTIONS
[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The Housing Authority will inspect each unit under contract at least biennially. The Housing Authority will also perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the Housing Authority's required standards and to assure consistency in the Housing Authority's program. This Chapter describes the Housing Authority's procedures for performing HQS and other types of inspections, and Housing Authority standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and Housing Authority requirements. (See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.)

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

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The Housing Authority will not promote any additional acceptability criteria which are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities should be in service prior to the inspection. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner, whoever is responsible for the utilities according to the Request for Tenancy Approval (RTA) form, to have the utilities turned on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the Housing Authority will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. The Housing Authority may conduct a reinspection.

There are five types of inspections the Housing Authority will perform:

1. Initial/Move-in: Conducted upon receipt of RTA.
2. Biennial: Must be conducted within 24 months of the last biennial inspection.
3. Move-Out/Vacate
4. Special/Complaint: At request of owner, family or an agency or third-party.
5. Quality Control

B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timely Initial HQS Inspection

The Housing Authority will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination.

The Housing Authority will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

The Initial Inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this Plan.

Document the current condition of the unit to assist in future evaluations as to whether the condition of the unit exceeds normal wear and tear.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the family and owner will be advised to notify the Housing Authority once repairs are completed. Repairs must be made within 30 days. An additional two weeks or 30 days may be given by the HQS Inspector for completion of the repairs. For major repairs, the Housing Authority Supervisor may approve an extension beyond this period.

Modifications

Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.

Extension for repair items not required by HQS will be granted for modifications/adaptations to the unit if agreed to by the tenant and landlord. Housing Authority will allow execution of the HAP contract if unit meets all requirements and the modifications do not affect the livability of the unit.

C. BIENNIAL HQS INSPECTIONS [24 CFR 982.405(a)]

The Housing Authority conducts an inspection in accordance with Housing Quality Standards at least biennially, as required by SEMAP. Special inspections may be scheduled between biennial inspections.

HQS deficiencies which cause a unit to fail must be corrected by the property owner unless it is a fail for which the tenant is responsible. The Housing Authority may verify correction by owner or participant certification together with receipts for materials or labor and photographs of the repair.

The family must allow the Housing Authority to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspection: The family is notified of the date and time of the inspection appointment by mail. If the head of household is unable to be present, an adult representative for the family can stand in during the inspection. The family must notify the Inspector in advance if the adult representative will not be the head of household.

The Housing Authority requires each unit to meet all HQS. The items below must also meet the Housing Authority standards:

- An operational deadbolt lock is required on each door that leads to the exterior of the unit. This typically would include the front door, the door leading to the garage from the house and any other door leading from the house outside. It is not required that deadbolt locks be installed on owner occupied manufactured homes.

- Holes in walls, floors, and doors, regardless of size, need to be repaired.

- Carbon Monoxide Detectors are required on or before July 1, 2011 for all existing single-family dwelling units intended for human occupancy that have a fossil fuel burning heater or appliance, fireplace, or an attached garage. Carbon Monoxide Detectors are required on or before January 1, 2013, for all other existing dwelling units intended for human occupancy with a fossil fuel burning heater or appliance, fireplace, or an attached garage.

If the family fails to be available for the scheduled inspection, the Housing Authority will send a letter to the family requiring them to contact the Housing Authority during regular business hours within five business days to reschedule the inspection. If the family fails to schedule the appointment after receiving the letter or, after scheduling the appointment, fails to be available for the inspection, or the family fails two inspection appointments due to tenant caused HQS deficiencies the Housing Authority will consider the family to have violated a Family Obligation and their assistance may be terminated in accordance with the termination procedures in the Plan.

The family is also notified that it is a Family Obligation to allow the Housing Authority to inspect the unit. If the family was responsible for a breach of HQS identified in the "Denial or Termination of Assistance," Chapter 15 of this Administrative Plan, they will be advised of their responsibility to correct the deficiencies.

Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See Emergency Repair Items, Section G of the chapter.)

For non-emergency items, repairs must be made within 30 days. An additional two weeks or 30 days may be given by the Housing Authority for completion of the repairs.

For major repairs, the Housing Authority Supervisor may approve an extension beyond this period.

Rent Increases

Rent increases may not be approved if the unit is in a failed condition.

D. MOVE OUT/VACATE

A move out inspection will be performed only at the landlord's or tenant's request.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the Housing Authority that the unit does not meet Housing Quality Standards, the Housing Authority will conduct an inspection.

The Housing Authority may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The Housing Authority will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed on the number of files required by SEMAP. They will be performed by the Housing Authority Supervisor or any HQS Inspector whose caseload is different from the area in which the Quality Control Inspection will be performed. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.
The sampling of files will include recently completed inspections (within the prior three months), a cross-section of neighborhoods, and a cross-section of inspectors.

G. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

Lack of security for the unit

Waterlogged ceiling in imminent danger of falling

Major plumbing leaks or flooding

Fuel leak

Electrical problem which could result in shock or fire

No heat between October and May

Utilities not in service

No running hot water

Broken glass where someone could be injured

Obstacle which prevents tenant's entrance or exit

Lack of functioning toilet

This is not an exclusive list.

The Housing Authority may give a short extension whenever the responsible party cannot be notified or it is impossible to complete the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the Housing Authority.

If the emergency repair item(s) are not corrected in the time period required by the Housing Authority, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the Housing Authority, and it is an HQS breach which is a family obligation, the Housing Authority will terminate the assistance to the family.

Smoke Detectors

The Housing Authority will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. The warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS.

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

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the Housing Authority, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner. The notice is generally for 30 days, depending on the nature of the repair(s) needed.

The Housing Authority will inspect abated units after the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS unless any new information is received that would limit or negate abatement. The notice of abatement states that the tenant is not responsible for the Housing Authority's portion of rent that is abated.

The Housing Authority will grant the owner an extension of time to make repairs in lieu of abatement in the following cases:

The owner has a good history of HQS compliance.

There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.

The owner makes a good faith effort to make the repairs.

The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.

The repairs must be delayed due to climate conditions.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be notified in writing that the unit is being terminated from the Program. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the Housing Authority if the tenant chooses to remain in the unit. No more than two Housing Quality Standards inspections will be conducted after the termination notice is issued.

I. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

Tenant-paid utilities not in service

Failure to provide or maintain family-supplied appliances

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The Housing Authority may terminate the family's assistance on that basis.

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the Housing Authority will require the family make any repair(s) or corrections within 24 hours for emergency repairs and 30 days for non-emergency repairs. Repairs made by the tenant must be authorized by the owner. If the repair(s) or correction(s) are not made in this time period, the Housing Authority will

terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by the Housing Authority. The owner's housing assistance payment (HAP) will not be abated for items which are the family's responsibility.

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

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.505, 982.503, 982.504]

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.

In accordance with the regulations, for those Section 8 participant families where there is a HAP Contract in effect entered into prior to October 1, 1999, the PHA will continue to uphold the rent calculation methods of the premerger Regular Certificate and Voucher tenancies until the 2nd regular reexamination of family income and composition following the "merger date". However, all new rental agreements/leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA'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 the PHA'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 Rent to Owner is limited only by rent reasonableness. The PHA must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units.

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, the family share may not exceed 40 percent of the family's monthly adjusted income.

During the initial term of the rental agreement/lease, the owner may not raise the rent.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed, the PHA begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments.

Checks that are not received will not be replaced until a request has been received from the payee and a stop payment has been put on the check.

Excess Payments

The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return to the PHA any excess payment made by the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in Chapter 18, "Owner or Family Debts to the PHA."

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

The PHA 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 Section 8 programs.

The PHA will not approve a rental agreement/lease until it determines that the initial rent to owner is a reasonable rent. The PHA must redetermine the reasonable rent before any increase in the rent to owner.

The PHA must redetermine rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system. The PHA may elect to redetermine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the PHA

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere.

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

The following items may be used in determining rent reasonableness:

Size (number of Bedrooms)

Location

Quality

Age of unit (if available)

Unit Type

Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

The PHA maintains an automated database which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis.

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 the PHA's discretion, the Voucher Payment Standard amount is set by the PHA between 90 percent and 110 percent of the HUD published FMR. This is considered the basic range. The PHA reviews the appropriateness of the Payment Standard at least annually when the FMR is published. In determining whether a change is needed, the PHA 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.

The PHA will establish voucher payment standard amounts in the PHA jurisdiction. The PHA will establish payment standard amounts for each "unit size".

The PHA may approve a payment standard of not more than 120 percent of the FMR without HUD approval if required as a reasonable accommodation for a family that includes a person with disabilities. The PHA must determine that the requested rent is reasonable. In addition, the PHA must maintain documentation that that the unit has the feature(s) required to meet the needs of the person with disabilities.

Chapter 12
RECERTIFICATIONS
[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the Housing Authority will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulations. It is a HUD requirement that families report all changes in household composition and income. This Chapter defines the Housing Authority's policy for conducting annual recertifications 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]

Recertification of Income and Family Composition

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually. Family members must report and verify their U.S. citizenship/eligible immigrant status.

Moves Between Reexaminations

When families move to another dwelling unit:

> A review of family income and household composition will be completed prior to issuance of a voucher to move. An annual recertification may be scheduled if a recertification is due within 120 days from the date of the mover voucher.

Income limits are not used as a test for continued eligibility at recertification.

Reexamination Notice to the Family

The Housing Authority will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date. The Housing Authority will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities.

Completion of Annual Recertification

The Housing Authority will have all recertifications for families completed before the anniversary date, giving families reasonable notice of any changes in rent.

Persons with Disabilities

Persons with disabilities who are unable to come to the Housing Authority's office will be granted an accommodation 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)]

The Housing Authority has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

The Housing Authority representative will interview the family and enter the information provided by the family on the recertification form, collect written verifications, review the information with the family and have them sign the form.

Documents Required From the Family

In the notification letter to the family, the Housing Authority will include instructions for the family to provide the following:

Documentation of all income and assets, as described in Chapter 7.

Documentation of any deductions/allowances, as described in Chapter 7.

Verification of Information

The Housing Authority will follow the verification procedures and guidelines described in Chapter 7. Verifications for reexaminations must be less than 120 days old.

Requirements to Attend

All adult household members will be required to attend the recertification interview. If requested, Housing Authority staff will work with households to accommodate schedules of employed family members.

If the head of household is unable to attend the interview, the appointment will be rescheduled.

Failure to Respond to Notification to Recertify

The Housing Authority's written notification must state which family members are required to attend the interview. The family may call to request another appointment date.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the Housing Authority, the Housing Authority will **send a letter to the participant requesting they contact the Housing Authority within seven (7) days to** reschedule the appointment.

If the family fails to appear for the second appointment, the Housing Authority will send a letter advising the family that Housing Authority is considering termination of their housing assistance and advising them to contact the Housing Authority within five working days to reschedule the appointment. If the family makes no contact, the Housing Authority will send the family a notice of termination and offer them an informal

hearing.

Tenant Rent Increase and Decrease

If tenant rent increases or decreases, a notice is mailed to the family prior to the scheduled effective date of the annual recertification.

If the family causes a delay so that the processing of the reexamination is not completed by the anniversary date, the rent change will be effective on the first day of the month following completion of the reexamination processing by the Housing Authority.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the Housing Authority between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain Housing Authority approval prior to all other additions to the household.

If any new family member is added, family income must include any income of the new family member. The Housing Authority will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

When a head of household has a member that turns 18 years of age, they must inform the Housing Authority.

Interim Reexamination Policy

The Housing Authority may conduct interim reexaminations when families have an increase in income. The Housing Authority must conduct an interim reexamination when families report a decrease in income.

Families will be required to report all changes in income/assets and household composition within 14 days of the change.

Housing Authority Errors

If the Housing Authority makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

D. OTHER INTERIM REPORTING ISSUES

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination may be scheduled for families with low or fluctuating income every 90 days.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The Housing Authority will not reduce the family share of rent for families whose welfare assistance is reduced specifically because of:

fraud; or

failure to participate in an economic self-sufficiency program; or

noncompliance with a work activities requirement

However, the Housing Authority 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

(See Chapter 7,"Verification Procedures.)

Cooperation Agreements

The Housing Authority has taken a proactive approach towards an effective working relationship between the Housing Authority and the Sonoma County Human Services Department and other supportive service agencies. These partnerships identify economic self-sufficiency programs throughout the community that are available to HCV tenant-based assistance families.

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 Change which gives the tenant and Housing Authority rent portions is mailed to the owner and the tenant. Families are advised to call the Housing Authority if they have questions. If the family disagrees with the rent portion 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 "Subsidy Standards" Chapter 5.)

H. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]

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 June 19, 1995. Mixed families may receive prorated assistance only. For example, a two person family with only one eligible member would receive a 50% subsidy.

I. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the Housing Authority may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition. Such authorities may include, but are not limited to:

- Sonoma County Sheriff Department for investigation
- Welfare Fraud Investigators
- SSI/Medi-Cal fraud investigators
- HUD Inspector General

J. STREAMLINED ANNUAL REEXAMINATIONS

The Housing Authority may opt to conduct a streamlined reexamination of income for elderly families and disabled families when 100 percent of the family's income consists of fixed income. In a streamlined reexamination, Housing Authorities will recalculate family incomes by applying any published cost of living adjustments to the previously verified income amount.
The term 'fixed income' includes income from:

1. Social Security payments to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
2. Federal, State, local, and private pension plans; and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts that are of substantially the same amounts from year to year.

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 the Housing Authority's jurisdiction, or to a unit outside of the Housing Authority's jurisdiction under Portability procedures. The regulations also allow the Housing Authority 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 the Housing Authority's jurisdiction, and the policies for restrictions and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if:

The assisted lease for the old unit has terminated because the Housing Authority 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. Families with owner notices undergo an eligibility review to determine program violations or ongoing eligibility.

The family has given proper notice of lease termination and the family has a right to terminate the lease under the terms of their lease.

When the family has been displaced by a verified catastrophic disaster, e.g. wildfires, earthquakes, floods

The Violence Against Women Reauthorization Act of 2013 provides that a family may receive a voucher from a Housing Authority and move to another jurisdiction under the HCV program if the family has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

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

The Housing Authority may deny permission to move if:

The family has violated a Family Obligation (See Chapter 15 for a list of Family Obligations).

The family owes the Housing Authority money. This may be due to a damage claim from a prior tenancy or an overpayment made by the Housing Authority for a family's rent.

The family has moved with assistance within the past 12 months.

C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

Subject to the restrictions on moves, the family's income and household composition will be reviewed prior to issuance of a voucher to move. An annual recertification may be scheduled if a recertification is due within 120 days from the date of the mover voucher

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and the Housing Authority proper written notice of any intent to move.

The family must give the owner the required number of days written notice of intent to vacate specified in the rental agreement or lease and must give a copy to the Housing Authority simultaneously.

Time of Contract Change

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 within 5 days inclusive of the date in which the family moved from the old unit.

If the family vacates from the rental unit in accordance with their rental agreement, the Housing Authority will pay through the date the family vacates. If the family moves in violation of the rental agreement or is evicted due to violation of the rental agreement, the Housing Authority will pay through the end of the month in which they vacate.

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move.

D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the Housing Authority's jurisdiction within the United States and its territories.

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 HCV tenant-based voucher assistance to lease a unit outside the Housing

Authority's jurisdiction, anywhere in the United States, in the jurisdiction of a Housing Authority with a HCV tenant-based program. When a family requests to move outside of the Housing Authority's jurisdiction, the request must specify the area to which the family wants to move.

Restrictions on Portability

Non-Resident Applicants

If neither the head of household or spouse had a legal residence within the jurisdiction of Housing Authority at the time the family first submitted an application to waitlist, the family will be required to lease a unit in the jurisdiction of the Sonoma County Housing Authority for a twelve month period before they will be permitted to use portability. Waivers to this policy may be available for persons who have been displaced by a federally, state declared disaster within Sonoma County.

Participants

The Housing Authority may deny portability to higher cost areas when the Housing Authority would be unable to avoid terminating assistance to current participants in order to remain within its available HAP funding, and the receiving Housing Authority will not absorb the family. Participants denied portability under this section will be notified in writing at the time of denial. The Housing Authority will hold the move request for 60 days and will notify the family if funds become available for the move within that time period.

INCOMING PORTABILITY [24 CFR 982.354, 982.355]

The Housing Authority will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher utilizing the Housing Authority's policies regarding subsidy and payment standards.

The Housing Authority may absorb incoming portable families and issue a voucher from its own ACC provided there is funding available.

If the Housing Authority does not absorb, the Housing Authority will "administer" the family using the initial Housing Authority's voucher. The Housing Authority will provide eligibility and inspection services. The Housing Authority will bill the initial Housing Authority for HAP paid and administrative fees according to HUD regulations.

New incoming portable applicants must be income eligible in this jurisdiction.

The receiving Housing Authority does not redetermine eligibility for a portable family that was already receiving assistance in the initial Housing Authority HCV tenant-based program, but does conduct a recertification interview to determine any changes. The recertification of the family will not cause a delay in the issuance of a voucher, unless there is a question of eligibility due to changes.

If the family has a change in family composition which would change the voucher size,

the Housing Authority will change to the proper size based on its own Subsidy Standards. If the family has a change in income, the Housing Authority will make appropriate adjustments.

If the family's income is such that a $0 subsidy amount is determined prior to lease-up in the Housing Authority's jurisdiction, the Housing Authority will refuse to enter into a contract on behalf of the family at $0 assistance.

Requests for Approval of Tenancy

When the family submits a Request for Tenancy Approval, it will be processed using the Housing Authority's policies. If the Family does not submit a Request for Tenancy Approval or does not execute a rental agreement/lease, the Initial Housing Authority will be notified after the expiration date of the voucher.

If the family leases up successfully, the Housing Authority will notify the Initial Housing Authority and the billing process will commence.

The Housing Authority will notify the initial Housing Authority if the family fails to submit a Request for Tenancy Approval for an eligible unit within the term of the voucher.

If the Housing Authority denies assistance to the family, the Housing Authority will notify the Initial Housing Authority at the same time they notify the family and the family will be offered a review or hearing.

The Housing Authority will notify the family of its responsibility to contact the Initial Housing Authority if the family wishes to move outside the Housing Authority's jurisdiction under continued portability.

Regular Program Functions

The Housing Authority will perform all program functions applicable to the HCV tenant-based assistance program, such as:

Annual reexaminations of family income and composition;

HQS inspection of the unit; and

Interim Examinations when requested or deemed necessary by the Housing Authority

Terminations

The Housing Authority will notify the Initial Housing Authority in writing of any termination of assistance within 30 days of the termination. If an Informal Hearing is required and requested by the family, the hearing will be conducted by the Housing Authority, using the regular hearing procedures included in this Plan (See Chapters 15 and 19).

The Initial Housing Authority will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the Initial Housing Authority

notifies the Housing Authority that the family is in arrears or the family has refused to sign a Payment Agreement, the Housing Authority will terminate assistance to the family.

Required Documents

As Receiving Housing Authority, the Housing Authority will require the documents listed on the HUD Portability Billing Form from the Initial Housing Authority.

Billing Procedures

As Receiving Housing Authority, the Housing Authority will bill the Initial Housing Authority one time with a HUD 52665 form for Housing Assistance Payments, including Administrative Fees and Special Claims.

The Housing Authority will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial Housing Authority's rate) for each "Portability" voucher leased as of the first day of the month. The Housing Authority will notify the Initial Housing Authority of changes in subsidy amounts and will expect the Initial Housing Authority to notify the Housing Authority of changes in the Administrative Fee amount to be billed.

Chapter 14
CONTRACT TERMINATIONS
[24 CFR 982.311, 982.314]

INTRODUCTION

This section deals with termination of contracts which include the Housing Assistance Payments (HAP) Contacts, rental agreements and leases. Prior to 10/1/99, a lease was provided by the Housing Authority. After that date, a rental agreement/lease is provided by the landlord and a Tenancy Addendum is provided by the Housing Authority and attached to the rental agreement.

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the Housing Authority which defines the responsibilities of both parties. The Contract is provided by the Department of Housing and Urban Development and has specific language that must be used. This Chapter describes the circumstances under which the contract can be terminated by the Housing Authority 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/rental agreement. The Contract between the owner and the Housing Authority may be terminated by the Housing Authority, or by the owner or tenant terminating the lease/rental agreement.

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.

If the family vacates the rental unit in accordance with the rental agreement, the Housing Authority will pay HAP through the date the family vacates. If the family moves in violation of their rental agreement or is evicted due to violation of the rental agreement, the Housing Authority will pay through the end of the month in which they vacate.

No future subsidy payments on behalf of the family will be made by the Housing Authority to the owner after the month in which the Contract is terminated. The owner must reimburse the Housing Authority for any subsidies paid by the Housing Authority for any period after the contract termination date.

B. TERMINATION OF CONTRACTS BY THE OWNER [24 CFR 982.310, 982.455]

The owner can terminate the contract with the Housing Authority by terminating the tenancy in accordance with the rental agreement and Tenancy Addendum. If the owner wishes to terminate the rental agreement, the owner is required to provide proper notice as stated in the rental agreement and in accordance with State and local law.

During the term of the lease/rental agreement, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

HUD regulations state that during the term of the lease/rental agreement the owner may only evict for:

> Serious or repeated violations of the lease/rental agreement, including but not limited to failure to pay rent or other amounts due under the lease/rental agreement, or repeated violation of the terms and conditions of the lease/rental agreement;
>
> Violations of federal, state or local law that impose 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/rental agreement, 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).

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.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the Housing Authority may continue to make housing assistance payments to the owner until the tenant has vacated the unit as a result of a court judgment or other process allowing the owner to evict the tenant.

If the action is finalized in court, the owner must provide the Housing Authority with the documentation, including notice of the lock-out date.

The Housing Authority 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 accepting the monthly housing assistance payment (HAP) from the Housing Authority, 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/rental agreement, and if the Housing Authority has no other grounds for termination of assistance, the Housing Authority may issue a new voucher so that the family can move with continued assistance.

C. TERMINATION OF THE CONTRACT BY Housing Authority [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease/rental agreement terminates, when the Housing Authority terminates program assistance for the family, and when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" Chapter 16.)

- The Housing Authority may terminate assistance for the following reasons:
    - Violation of Family Obligations under the HCV Program
    - 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.
    - Funding is no longer available under the Annual Contributions Contract (ACC).
- When insufficient funding exists to support all HAP contracts, the Housing Authority may terminate existing contracts in the following order:
    1. Households with over $100,000 in reported assets;
    2. Households with no seniors, persons with disabilities, or minor children;
    3. Households with current housing assistance payments less than $100 per month.
    4. Households whose owner or manager has not authorized the direct deposit of the Housing Assistance Payment (HAP).

  When sufficient funding becomes available within the same calendar year, households terminated for insufficient funding may be restored to the HCV Program in the reverse order as the HAP contracts were terminated.
- The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

When the Housing Authority terminates the HAP contract under the violation of HQS space standards, the Housing Authority will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which the Housing Authority gives such notice to the owner.

Zero HAP Contract Termination [24 CFR 982.455]

A zero ($0) Housing Assistance Tenancy refers to a situation where the family pays the full rent amount and there is no Housing Assistance Payment from the Housing Authority to the owner.

A family may remain in the unit at $0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the Housing Authority 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.

Chapter 15
DENIAL OR TERMINATION OF ASSISTANCE
[24 CFR 982.552, 982.553]

INTRODUCTION

The Housing Authority may deny or terminate assistance for a family because of the family's action or failure to act. The Housing Authority will provide families with a written description of the Family Obligations under the program, the grounds under which the Housing Authority can deny or terminate assistance, and the Housing Authority's informal hearing procedures. This Chapter describes when the Housing Authority is required to deny or terminate assistance, and the Housing Authority'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

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

The Housing Authority may:

- Deny placement on the Housing Authority waiting list
- Deny or withdraw a voucher
- Refuse to enter into a HAP contract or approve a tenancy
- Refuse to process or provide assistance under portability procedures

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

The Housing Authority may:

- Refuse to enter into a HAP contract or approve a tenancy
- Terminate housing assistance payments under an outstanding HAP contract
- Refuse to process or provide assistance under portability procedures

Mandatory Denial and Termination [24 CFR 982.552(b), 982.553]

The Housing Authority must deny assistance to applicants, and terminate assistance for participants:

- If any member of the family fails to sign and submit HUD or Housing Authority required consent forms for obtaining eligibility information.
- If no member of the family is a U.S. citizen or eligible immigrant. (See Section C of this Chapter)
- If the family is under contract and 180 days have elapsed since the Housing Authority's last housing assistance payment was made.

The Housing Authority must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law.

The Housing Authority must permanently deny assistance to applicants and terminate the assistance of persons required to register as a sex offender under the laws of any state.

The Housing Authority must deny admission for three years if any member of the family has been evicted from federally assisted housing for serious violation of the lease/rental agreement.

The Housing Authority must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease/rental agreement.

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

The Housing Authority may deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551.
- Any member of the family has been evicted from public housing in the last 5 years.
- If any Housing Authority has terminated assistance under the program for any member of the family within the past 5 years.
- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- The family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease/rental agreement.
- The family breaches an agreement to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority. (The Housing Authority at its discretion may offer the family the opportunity to enter into a repayment agreement. The Housing Authority will prescribe the terms of the agreement.)
- The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.

"Abusive or violent behavior toward Housing Authority 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.

- Any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other residents.
- If any member of the family commits drug-related criminal activity or violent criminal activity.
- If any family member participates in any criminal activity that may threaten the health, safety, or right to peaceful enjoyment of other residents or persons residing in the immediate vicinity of the premises. This would include members who are identified by law enforcement as participants in gang-related criminal activity.
- A family enrolled under Special Admission fails to comply with contracted services from the referring agency.

Refer to "Eligibility for Admission" Chapter 2, Section F, ”Other Criteria for Admission” for further information.

If denial or termination is based upon behavior resulting from a disability, the Housing Authority may delay the denial or termination in order to consider if an accommodation requested by the participant will address the behavior that caused the lease or program violation.

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

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The Housing Authority 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.

The Housing Authority will give an applicant an opportunity to provide a declaration as an eligible immigrant or an opportunity to elect not to state their status.

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 the Housing Authority either after the INS appeal or in lieu of the INS appeal.

After the Housing Authority has made a determination of ineligibility, the family will be notified of the determination, the reasons, and the family will be informed of the option for prorated assistance, if applicable.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

The Family Obligation's listed below are from the HUD Housing Choice Voucher.

> The family must supply any information that the Housing Authority 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 the Housing Authority 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 24 CFR 982.404(b) and Chapter 10 of this Administrative Plan.
>
> The family must allow the Housing Authority 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 the Housing Authority before the family moves out of the unit or terminates the lease upon sufficient notice to the owner.
>
> The family must promptly give the Housing Authority 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 the Housing Authority. The family must promptly inform the Housing Authority of the birth, adoption or court-awarded custody of a child. The family must request Housing Authority approval in advance before adding any other family member as an occupant of the unit.

The family must promptly notify the Housing Authority if any family member no longer resides in the unit.

If the Housing Authority has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or Housing Authority 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.

The family must not sublease or let the unit.

The family must not assign the lease/rental agreement or transfer the unit.

The family must supply any information or certification requested by the Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Housing Authority-requested information or certification on the purposes of family absences. The family must cooperate with the Housing Authority for this purpose. The family must promptly notify the Housing Authority of absence from the unit.

The family must not own or have any interest in the unit with the exception of an owner occupied mobile home renting a space.

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

The members of the family may not engage in drug-related criminal activity or violent criminal activity.

The members of the family may not engage in any criminal activity that threatens the health, safety, and 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 Section 8 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.

D. ENFORCING FAMILY OBLIGATIONS

The term "Promptly" when used with the Family Obligations always means "within 14 days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

In deciding whether to deny or terminate assistance because of action or failure to act

by members of the family, the Housing Authority has discretion to consider all of the circumstances in each case, including the seriousness of the case. The Housing Authority will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The Housing Authority 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.

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

HQS Breach

The HQS Inspector will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. The Housing Authority may give extensions to families to cure HQS breaches.

Lease Violations

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

> If the owner terminates tenancy through court action for serious or repeated violation of the lease. Holding over after the termination of the tenancy is considered a serious 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 the Housing Authority determines that the cause is a serious or repeated violation of the lease based on available evidence.
>
> If there are police reports, neighborhood complaints or other third party information, that has been verified by the Housing Authority.
>
> Nonpayment of rent is considered a serious violation of the lease.

Notification of Eviction

A family's request to move may be denied or delayed if the family requests assistance to move and they did not notify the Housing Authority of an eviction within seven days of receiving the Eviction Notice.

Proposed Additions to the Family

The Housing Authority may deny a family's request to add additional family members who are:

> Persons who have been evicted from public housing.

Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations.

Persons who have been part of a family whose assistance has been terminated under the Certificate or voucher program.

Persons who commit drug-related criminal activity or violent criminal activity.

Persons who do not meet the Housing Authority'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 the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

Persons who have engaged in or threatened abusive or violent behavior toward Housing Authority personnel.

Persons who have not received approval from the property owner to reside in the unit.

Family Member Moves Out

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

The date the family member moved out.

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 Housing Authority 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 the Housing Authority determines the business is not legal, it will be investigated to determine if it is a program violation.

Fraud

In each case, the Housing Authority will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

Drug-Related and Violent Criminal Activity

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means on or off the premises, not just on or near the premises.

Violent criminal activity includes 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.
Alcohol abuse is the abuse of alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.
Applicants will be ineligible for assistance if:

> Any household member has engaged in violent or drug-related criminal activity within the last three years plus one year from the date of release from any incarceration for such activity. The Housing Authority may determine, based on a preponderance of the evidence, that a household member has engaged in violent or drug-related activity regardless of whether the household member has been arrested or convicted of such activity. [24 CFR §982.553(c)]
>
> The Housing Authority will prohibit admitting any person to Section 8 Programs in cases where the Housing Authority determines that there is reasonable cause to believe that the person is illegally using a controlled substance, or abuses alcohol. This includes cases where the Housing Authority determines that there is a *pattern* of illegal use of a controlled substance, or a *pattern* of alcohol abuse. The Housing Authority will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous 12 months. The Housing Authority may waive this policy if the person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in the illegal use of a controlled substance or abuse of alcohol, and:
>
> > Has successfully completed a supervised drug or alcohol rehabilitation program; can document at least six months of sobriety; and continues to participate in a supervised drug or alcohol rehabilitation program.

Participants may be terminated if:

> Any household member engages in violent or drug-related criminal activity. The Housing Authority may determine, based on a preponderance of the evidence, that a household member has engaged in violent or drug-related activity regardless of whether the household member has been arrested or convicted of such activity. [24 CFR §982.553(c)]
>
> Any household member illegally uses a controlled substance.
>
> Any household member abused alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises of other residents.

In appropriate cases, the Housing Authority may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside in the unit. If the violating member is a minor, the Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.

<u>Confidentiality of Criminal Records</u>

The Housing Authority will ensure that any criminal record received is maintained confidentially and not misused or improperly disseminated.

Denial and Termination of Assistance for Sex Offenders

The Housing Authority will deny admission or terminate assistance if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the Housing Authority will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement.

Disclosure of Criminal Records to Family

Applicants will be provided an opportunity to review and dispute criminal records at an informal review.
Participants will be provided an opportunity to review and dispute criminal records at an Informal Hearing.

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.

E. NOTICE OF TERMINATION OF ASSISTANCE

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

> The specific reasons for the proposed action or decision, including the specific breach or violation forming the basis for the proposed action or decision, and the specific facts and evidence upon which the Housing Authority bases its action or decision and the names of all Housing Authority staff having knowledge of any fact or evidence relating to the Housing Authority's action or decision.
> The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
>
> The family's right to discuss with the Housing Authority the basis of the Housing Authority's decision.
>
> The date by which a request for an Informal Hearing must be received by the Housing Authority.

After a decision by the Hearing Officer, the Housing Authority will provide written notice of the contract termination to the owner and participant, if appropriate. Notice to the owner will not include any details regarding the reason for termination of assistance. Owners will be given a minimum of 30 days' notice of termination of contract.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552(c)]

If a family has misrepresented any facts that caused the Housing Authority to overpay assistance, the Housing Authority may choose not to terminate and may offer to continue assistance, provided that the family makes arrangements to repay the monies due to the Housing Authority by signing a Repayment Agreement.

For participants who continue to receive assistance from the Section 8 Program, the Repayment Agreement will require the balance due to be paid in three (3) to twelve (12) equal monthly payments, depending on the amount owned, the reason for the overpayment, and the financial resources of the family. If a family can provide satisfactory evidence that the repayment term applicable to the family's debt would impose an undue hardship, the Housing Authority may, in its sole discretion determine that a lower monthly payment, over a longer agreement term, is reasonable. In making this determination, the Housing Authority will consider all relevant information including the following:

- The amount owed by the family to the PHA
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family's control
- The family's current and potential income and expenses
- The family's current family share, as calculated under 24 CFR 982.515
- The family's history of meeting its financial responsibilities

Families who are terminated from the Section 8 Program due to misrepresentation of income information will be requested to sign a Repayment Agreement. The length and payment amount of the Agreement will be determined by the Housing Authority.

G. MISREPRESENTATION IN COLLUSION WITH OWNER

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the Housing Authority will deny or terminate assistance.

In making this determination, the Housing Authority 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 the Housing Authority to fulfill its responsibilities. The Housing Authority schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the Housing Authority 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 the Housing Authority, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the Housing Authority to inspect the unit.

The family will be given information about the requirement to keep appointments.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

Eligibility for Admissions

Verification Procedures

Voucher Issuance and Briefings

Housing Quality Standards and Inspections

Recertifications

Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

Medical emergency

Family emergency

Procedure when Appointments are Missed or Information is not Provided

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

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing, the termination may be rescinded after the family cures the breach.

I. VIOLENCE AGAINST WOMEN ACT (VAWA) AND TERMINATION OF ASSISTANCE

Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an affiliated individual of the tenant is the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking

The Housing Authority may terminate the assistance to remove a lawful occupant or tenant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual without terminating the assistance or evicting victimized lawful occupants. If such bifurcation occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the Housing Authority

shall provide any remaining tenant the opportunity to establish eligibility for the covered housing program. If the remaining tenant cannot establish eligibility, the Housing Authority is required to provide the tenant with a reasonable time to find new housing or establish eligibility under another covered housing program.

The Housing Authority may honor court orders regarding the rights of access or control of the property, and other orders issued to protect the victim, which are used to address the distribution or possession or property among household members where the family "breaks up."

There is no limitation on the ability of the Housing Authority 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.

There is no prohibition on the Housing Authority 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. Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

The Housing Authority may require certification by the victim of victim status on such forms as the Housing Authority and/or HUD shall prescribe or approve.

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:

1. *Domestic Violence* – [as defined in Section 40002 of VAWA 1994] which states as follows:

SEC 40002(a)(6) – "DOMESTIC VIOLENCE - The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is 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."

2. *Dating Violence* – [as defined in Section 40002 of VAWA 1994] which states as follows:

SEC 40002(a)(8) – "DATING VIOLENCE- The term 'dating violence' means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.
(ii) The type of relationship.
(iii) The frequency of interaction between the persons involved in the relationship."

3. *Stalking* – "means -

(A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) 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 –

(i) that person;
(ii) a member of the immediate family of that person; or
(iii) the spouse or intimate partner of that person; …"

Affiliated Individual means a spouse, parent, brother, sister or child of an individual, or an individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant living in the household of that individual.

Chapter 16

OWNER DISAPPROVAL AND RESTRICTION

[24 CFR 982.54, 982.306, 982.453]

INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the voucher program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the PHA. The regulations define when the PHA must disallow an owner participation in the program, and they provide the PHA discretion to disapprove or otherwise restrict the participation of owners. This Chapter describes the criteria for owner disapproval, 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, such as property manager, on-site manager, broker or other agent assigned by the owner.

The PHA will disapprove the owner for the following reasons:

> HUD or other Federal or State agency, such as the Internal Revenue Service, has informed the PHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under any federal regulation governing participation in the Section 8 Program.
>
> HUD has informed the PHA 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 has provided an injunction to prevent the owner from participating in the Section 8 Program.
>
> HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.
>
> Unless their original 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. The PHA may waive this restriction as a reasonable accommodation for a family member who is a person with a disability. See Chapter 1 regarding reasonable accommodation.
>
> In cases where the owner and participant bear the same last name, the PHA 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 the PHA, or of owner's 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 involved in 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.

<u>The PHA maintains a database of disapproved owners.</u>

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the PHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The PHA may also terminate some or all contracts with the owner.

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

C. CHANGE IN OWNERSHIP

The PHA will process a change of ownership, payee and address to which payment is to be sent only upon the written request of the new owner. Additional paperwork will be necessary to process a change of ownership. Paperwork may include: a new contract, new rental agreement, copy of documents showing the transfer of title, recorded deed, Direct Deposit Authorization, and a Payee Data Record form signed by the new owner or his/her agent.

If the new owner does not want an assignment of the contract, the PHA will terminate the HAP contract with the old owner, since they are no longer the owner. The new owner may offer the family a new assisted lease/rental agreement. The family may elect to enter into the new lease or move to another unit.

Chapter 17
VETERANS AFFAIRS SUPPORTIVE HOUSING [24 CFR 982]

INTRODUCTION
The HUD-VASH program combines HUD HCV rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA) at its medical centers and in the community. Ongoing VA case management, health, and other supportive services will be made available to homeless veterans.

HUD-Veterans Affairs Supportive Housing (HUD-VASH) program will be administered in accordance with regular HCV program requirements (24 CFR Part 982), except as described below.

A. FAMILY ELIGIBILITY AND SELECTION
The PHA will receive referrals from the Veterans Affairs Medical Center (VAMC) instead of pulling families from a waitlist. Written documentation of these referrals must be maintained in the tenant file at the PHA.

B. INCOME ELIGIBILITY
The PHA must determine income eligibility for HUD-VASH families in accordance with 24 CFR Part 982.201 or a low income family eligible for VASH and who needs the voucher as a reasonable accommodation. Families whose Annual Income exceeds the applicable income limit will be denied admission.

C. INITIAL TERM OF THE VOUCHER
HUD-VASH vouchers are issued with an initial search term of 120 days. Extensions, suspensions, and progress reports will remain under the policies in the PHA's Administrative Plan, but will apply after the minimum 120-day initial search term.

D. INITIAL LEASE TERM
Under the HCV program, voucher participants must enter into an initial lease with the owner for one year, unless a shorter term would improve housing opportunities for the tenant and the shorter term is a prevailing market practice.

E. PORTABILITY OF HUD-VASH VOUCHERS
An eligible HUD-VASH voucher holder wishing to exercise portability to another jurisdiction must choose a location where there is a VAMC to provide case management services with an available VASH voucher or portability is not allowed.

(1) Portability Moves Where Case Management is provided by the Initial PHA's Partnering VAMC.

If the family moves under portability, and the initial PHA's partnering VAMC will still be able to provide the necessary case management services due to its proximity to the partnering VAMC, the receiving PHA must process the move in accordance with the portability procedures of 24 CFR Part 982.355. If the receiving PHA has VASH vouchers

available, they may absorb or administer the voucher. Both the VAMC and the PHA must be in support of the family's relocation before approving the family to port.

(2) Portability Moves Where Case Management is provided by the Receiving PHA's Partnering VAMC. If a family wants to move to another jurisdiction where it will not be possible for the initial PHA's partnering VAMC to provide case management services, the VAMC must first approve the family's relocation and then determine that the HUD-VASH family could be served by another VAMC that is participating in VASH and the receiving PHA must have a HUD-VASH voucher available for this family. In these cases, the families must be absorbed by the receiving PHA either as a new admission (if the family did not participate in the initial PHA's VASH program) or as a portability move-in (after an initial leasing in the initial PHA's jurisdiction). When the VASH voucher is absorbed by the receiving PHA, the initial PHA's HUD-VASH voucher will become available to lease to a new HUD-VASH eligible family, as determined by the partnering VAMC, and the absorbed family will count toward the number of HUDVASH slots awarded to the receiving PHA.

If VASH case management services are no longer needed for the veteran and if an HCV tenant-based voucher is available the family may be offered a tenant-based voucher, provided the family meets all HCV eligibility criteria.

F. DENIAL OF ASSISTANCE

At initial intake, the VASH family can only be determined ineligible due to:

- Income limitations or
- Having any member of the household subject to a lifetime registration requirement under a state sex offender registration program.

A PHA cannot deny assistance to a Veteran that previously participated in a Public Housing program (Housing Choice Voucher or Conventional) and still owes money.

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

- The reason(s) for the denial of assistance.
- The family's right to request an informal review to be held before denial of assistance.
- The date by which a request for an informal review must be received by the PHA.
- Once the applicant becomes a resident, the resident must follow all of the PHA rules including the family obligations. (See the section in Chapter 15 entitled "Denial or Termination of Assistance").

As a condition of HCV rental assistance, a HUD-VASH eligible family must receive the case management services from the VAMC. Therefore, a HUD-VASH family's HCV assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC. However, a VAMC determination that the participant family no longer requires case management is not grounds for termination of assistance.

If VASH case management services are no longer required for the veteran and the family wants to port to another jurisdiction, the family may be offered a tenant based HCV voucher if it is available.

G. VASH VOUCHER ISSUANCE

Since VASH vouchers are for homeless Veterans, the VASH vouchers must always remain with the Veterans. In the case of divorce or separation, the voucher remains with the Veteran.

If the Veteran dies, the VASH voucher could remain with the remaining members of the tenant family. The family may continue to utilize the HUD-VASH voucher. If VASH case management services are no longer needed, and if a tenant-based voucher is available, the remaining family member(s) may be offered a tenant-based voucher, provided the family meets all HCV eligibility criteria. This would allow the VASH voucher to again be utilized for another Veteran who needs case management services.

The Housing Authority may convert tenant based VASH vouchers to PBV's or apply directly to HUD for set-aside PBV vouchers which may be through a competitive process. The PHA will utilize a Housing First Model to house the VASH PBV families. Project-Based VASH Vouchers approved by HUD and the Veterans Administration will be administered in accordance with PIH 2009-011 dated March 16, 2009, PIH 2010-23 dated June 25, 2010, and PIH 2011-50 dated September 15, 2011, PIH 2016-11 dated July 1, 2016, and other subsequent notices that are released by HUD and 24 CFR part 983.

Chapter 18

OWNER OR FAMILY DEBTS TO THE PHA

[24 CFR 982.552]

INTRODUCTION

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

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

Requests for lump sum payments

Civil suits

Abatement of rent for owner debt

Reductions in HAP to owner for owner debt

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

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

The PHA will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the family based on the circumstances surrounding the debt to the PHA.

B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the PHA for claims paid to an owner the PHA will require the family to pay the amount in full.

Late Payments

For existing Repayment Agreements, a payment will be considered to be in arrears if two monthly payments are missed.

If the family's payment agreement is in arrears, and the family has not contacted or made arrangements with the PHA, the PHA may:

Require the family to pay the balance in full

Pursue civil collection of the balance due

Terminate the housing assistance

If the family requests a move to another unit and has a payment agreement in place for the payment of an owner claim, the family will be required to pay the balance in full prior to the issuance of a Voucher.

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 HCV program funds in violation of HCV program requirements.

Families who owe money to the PHA due to the family's failure to report increases in income will be required to pay in a lump sum within 60 days of notification by the PHA. If the family pays the amount in full within this time period, the PHA may continue assistance to the family. Termination of assistance may be pursued for repeated failures to report changes in household income.

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

Additional Monies Owed:

If the family already has a Payment Agreement in place and incurs an additional debt to the PHA, the original entire amount will become due and payable. If the amount due is not paid in a timely manner, the family is subject to the termination of their rental assistance.

D. OWNER DEBTS TO THE PHA [24 CFR 982.453(b)]

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

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

Require the owner to pay the amount in full within 60 days, or

Pursue collections through the local court system, or

Restrict the owner from future participation.

Chapter 19
COMPLAINTS AND APPEALS

INTRODUCTION

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

A. COMPLAINTS TO THE HOUSING AUTHORITY

The Housing Authority will respond promptly to complaints from families, owners, employees, and members of the public. All serious complaints will be documented. The Housing Authority may require that complaints be put in writing. HQS complaints may be reported by telephone.

Section 504 grievances will be given due process in accord with the Informal Hearing Procedures set forth in Section C. of this chapter.

The Housing Authority hearing procedures will be provided to families in the briefing packet.

Categories of Complaints

Complaints from families: If a family disagrees with an action or inaction of the Housing Authority or owner.

> Complaints from families will be referred to the Occupancy Specialist. If a complaint is not resolved, it will be referred to the Housing Authority Supervisor.

Complaints from owners: If an owner disagrees with an action or inaction of the Housing Authority or a family.

> Complaints from owners will be referred to the Housing Authority Supervisor. If a complaint is not resolved, it will be referred to the Deputy Director Housing Authority.

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

Complaints from the general public: Complaints from persons in the community in regard to the Housing Authority, a family or an owner.

Complaints from the general public will be referred to the responsible Occupancy Specialist. If a complaint is not resolved, it will be referred to the Housing Authority Supervisor.

If complaints remain unresolved, they will be referred to staff in the following order; the Deputy Director Housing Authority, the Executive Director.

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. However, an applicant who is denied assistance for citizenship or eligible immigrant status is entitled to an informal hearing.

When the Housing Authority determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

The reason(s) they are ineligible,

The procedure for requesting a review if the applicant does not agree with the decision, and

The time limit for requesting a review.

The Housing Authority must provide applicants with the opportunity for an Informal Review of decisions denying:

Listing on the Housing Authority's waiting list

Issuance of a voucher

Participation in the program

Informal Reviews are not required for established policies and procedures and Housing Authority determinations such as:

Discretionary administrative determinations by the Housing Authority

General policy issues or class grievances

A determination of the family unit size under the Housing Authority subsidy standards

Refusal to extend or suspend a voucher

A Housing Authority determination not to grant approval to lease a unit under the program or to approve a proposed lease

Determination that unit is not in compliance with HQS

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

Procedure for Review

A request for an Informal Review must be received in writing by the close of the business day, no later than ten working days from the date of the Housing Authority's notification of denial of assistance. The Informal Review will be scheduled within 45 days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Informal Review may be conducted by:

The Housing Authority Supervisor

A staff person who is at the Housing Authority Supervisor level or above

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

A Notice of the Review findings will be provided in writing to the applicant within 14 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 family's file.

C. INFORMAL HEARING PROCEDURES
[24 CFR 982.555(a-f), 982.54(d)(13)]

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

The proposed action or decision of the Housing Authority;

The date the proposed action or decision will take place;

The specific reasons for the proposed action or decision, including the specific breach or violation forming the basis for the proposed action or decision, the specific facts and evidence upon which the Housing Authority bases its action or decision, and the names of all Housing Authority staff having knowledge of any fact or evidence relating to the Housing Authority’s action or decision.

The family's right to discuss with the Housing Authority the basis for the Housing Authority's decision.

The procedures for requesting an Informal Hearing if the family disputes the action or decision;

The time limit for requesting the hearing.

The Housing Authority must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following Housing Authority 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 Housing Authority subsidy standards

Determination to terminate assistance for any reason.

Citizenship or eligible immigrant status.

Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account.

The Housing Authority must always provide the opportunity for an Informal Hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and Housing Authority determinations such as:

Discretionary administrative determinations by the Housing Authority

General policy issues or class grievances

Establishment of the Housing Authority schedule of utility allowances for families in the program

A Housing Authority determination not to approve an extension or suspension of a voucher term

A Housing Authority determination not to approve a unit or lease

A Housing Authority determination that an assisted unit is not in compliance with HQS (Housing Authority must provide hearing for family breach of HQS because that is a family obligation determination)

A Housing Authority determination that the unit is not in accordance with HQS because of the family size

A Housing Authority determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification and Scheduling of Hearing

It is the Housing Authority's objective to resolve disputes and to make every effort to avoid the most severe remedies. However, if this is not possible, the Housing

Authority will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the Housing Authority receives a request for an Informal Hearing, a hearing shall be scheduled within 45 days. The Housing Authority must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

The notification of hearing will contain information regarding:

The date and time of the hearing

The location where the hearing will be held

The fact that the hearing will be tape recorded

The specific reasons for the proposed action or decision, including the specific breach or violation forming the basis for the proposed action or decision, the specific facts and evidence upon which the Housing Authority bases its action or decision, and the names of all Housing Authority staff having knowledge of any fact or evidence relating to the Housing Authority's action or decision.

The family's right to bring evidence and witnesses and legal or other representation at the family's expense

The family's right to question adverse witnesses

The family's right to view any documents or evidence in the possession of the Housing Authority upon which the Housing Authority based the proposed action. The family may request, at their own expense, copies of file documents prior to the hearing. Written requests for such documents or evidence must be received no later than seven days before the hearing date.

A notice to the family that the Housing Authority will request a copy of any documents or evidence the family will use at the hearing.

After a hearing date is set, 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 the family does not appear at the scheduled hearing time, and did not make arrangements in advance, the hearing will not take place, and the Housing Authority may continue with the proposed termination of benefits. However, if the family contacts the Housing Authority within five business days after the scheduled hearing time, the Housing Authority will reschedule the hearing, if the family can show good cause for the failure to appear.

The Housing Authority's Hearing Procedures

Families have the right to:

Present written or oral objections to the Housing Authority's determination.

Examine the documents in the file which are the basis for the Housing Authority's action, and all documents submitted to the Hearing Officer;

Copy any relevant documents at their expense;

Present any information or witnesses pertinent to the issues at the hearing;

Question adverse witnesses; and

Be represented by legal counsel, advocate, or other designated representative at their own expense.

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

Present evidence and any information pertinent to the issue of the hearing;

Be notified in advance if the family intends to be represented by legal counsel, advocate, or another party;

Be notified if the family intends to present any witnesses at the informal hearing;

Examine and copy any documents to be used by the family prior to the hearing;

Have its attorney present; and

Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the Housing Authority who is neither the person who made or approved the decision, nor a subordinate of that person.

The hearing shall address only the issues related to the family's termination of assistance. The Housing Authority may not introduce evidence of facts supporting termination unless the Housing Authority disclosed those facts to the family in its notice of informal hearing, except to rebut evidence introduced by the family at the informal hearing.

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 Housing Authority will make an audio recording of the informal hearing

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

The Hearing Officer shall limit the issues under consideration at the Informal Hearing to those set forth in the Housing Authority's notice of termination. The Hearing Officer will determine whether the action, inaction or decision of the Housing Authority is in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the Informal Hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the Informal Hearing.

Following the conclusion of the hearing, the Hearing Officer shall prepare and provide written findings to the Housing Authority and the family within 14 days which shall include:

A clear summary of the decision and reasons for the decision;

The date the decision goes into effect.

The Housing Authority is not bound by hearing decisions:

Which concern matters in which the Housing Authority is not required to provide an opportunity for a hearing

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.

The Housing Authority shall send a letter to the participant within 14 days. The letter shall include the Housing Authority's decision and if the decision involves money owed, the amount owed.

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

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

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the Housing Authority will take the following procedures:

- Notify the applicant or participant within ten days of receipt of information from INS
- Inform applicant or participant of their right to appeal to the INS within thirty days or to request an informal hearing with the Housing Authority, either in lieu of or subsequent to the INS appeal.

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

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.

The request for a Housing Authority Informal Hearing must be made within 14 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 14

days of receipt of that notice.

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

After receipt of a request for an Informal Hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the Hearing Officer decides that the individual is not eligible, and there are no other eligible family members, the Housing Authority will:

Deny the applicant family

Defer termination if the family is a participant and qualifies for deferral

Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the Housing Authority 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.

Chapter 20

SPECIAL HOUSING TYPES

[24 CFR 982.601]

INTRODUCTION

The Housing Authority will permit the use of the following special housing types in its program

- Single Room Occupancy Housing
- Shared housing
- Manufactured Homes
- Homeownership

A. SINGLE ROOM OCCUPANCY [24 CFR 982.602 through 982.605]

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used.

SRO Payment Standard

The payment standard for SRO housing is 75 percent of the zero-bedroom payment standard amount on the PHA's payment standard schedule.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero-bedroom utility allowance.

Housing Assistance Payment

The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the TTP or the gross rent for the unit minus the TTP.

Housing Quality Standards (HQS)

The Housing Authority will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR

§982.605. However, since SRO units are not intended to house children, the housing quality standards applicable to lead-based paint do not apply.

B. SHARED HOUSING [24 CFR 982.615]

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

Types of Occupancy

The following may reside in a shared housing unit:

- The assisted family with other residents of the unit.
- Other persons who are assisted under the tenant-based program.
- The owner of a shared housing unit, unless s/he is related to the participant by blood or marriage.

HAP Contract and Rent

A resident or non-resident owner may enter into a HAP contract with the Housing Authority. However, housing assistance may not be paid on behalf of an owner. The Housing Authority will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

For shared housing, the family subsidy will be based on the pro-rata portion of the applicable payment standard of the rental unit. The proration is based on the lesser of the voucher bedroom size or the number of bedrooms the family occupies.

The subsidy will be based upon current HCV Program calculations for new contracts.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards," Chapter 11.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The Housing Authority will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

C. MANUFACTURED HOMES [24 CFR 982.620]

The Housing Authority will permit a family to lease a manufactured home and space with assistance under the program. The Housing Authority will provide assistance for a family that owns the manufactured home and leases only the space.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in Chapter 10, "Housing Quality Standards and Inspections" and regulated by 24 CFR 982.401. In addition, the manufactured home also must meet the following requirements:

> A manufactured home must be placed on the site in a stable manner, and must be free from site hazards.

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will comply with California Civil Code 798.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the Housing Authority.

The Housing Authority will not approve a lease for a manufactured home space until the Housing Authority has determined that the initial rent to owner for the space is a reasonable rent. During the assisted tenancy, the Housing Authority will redetermine that the rent is reasonable when a rent increase is requested.

The Housing Authority will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The Housing Authority will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the Housing Authority, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the Housing Authority, the owner must provide the Housing Authority information on rents for other manufactured home spaces.

Housing Assistance Payments for Manufactured Home Space

PIH 2017-18 notice eliminates the separate FMR and payment standard previously used for manufactured home space rentals. The payment standard used by the PHA to calculate the HAP for a manufactured home owner family is now the same payment standard that would be used for an ordinary rental unit of the same bedroom size under the PHA's HCV program, based on the HUD published FMR for the area.

Subsidy Calculation for the Housing Choice Voucher Program

During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

The payment standard minus the total tenant payment; or

The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the Housing Authority:

Rent to owner for the manufactured home space;

Owner maintenance and management charges for the space;

The utility allowance for tenant paid utilities.

Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The Housing Authority will use its standard utility allowance schedule for detached units for manufactured home space rental.

D. GROUP HOMES

General

A group home is a state-licensed facility intended for occupancy by elderly persons and/or persons with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continuous medical or nursing care.

A group home consists of bedrooms for residents, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

No more than 12 persons may reside in a group home including assisted and unassisted residents and any live-in aides.

If approved by the PHA, a live-in aide may live in the group home with a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable

accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in a group home, a separate lease and HAP contract is executed for each assisted family, and the standard form of the HAP contract is used.

Group Home Payment Standard, Utility Allowance and HAP Calculation

Unless there is a live-in aide, the family unit size for an assisted occupant of a group home must be zero- or one-bedroom, depending on the PHA's subsidy standard. If there is a live-in aide, the aide must be counted in determining the household's unit size.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the group home size. The prorata share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

The HAP for an assisted occupant in a group home is the lower of the payment standard minus the TTP or the gross rent minus the TTP.

The utility allowance for an assisted occupant in a group home is the prorata share of the utility allowance for the group home.

The rents paid for participants residing in group homes are subject to generally applicable standards for rent reasonableness. The rent for an assisted person must not exceed the prorata portion of the reasonable rent for the group home. In determining reasonable rent, the PHA should consider whether sanitary facilities and facilities for food preparation and service are common facilities or private facilities.

Group Home Housing Quality Standards

HQS requirements described in Chapter 10 apply to group homes except for the requirements stated below.

- *Sanitary Facilities*: A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.

- *Food Preparation and Service*: Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold

running water. The sink must drain into an approvable public or private disposal system.

- *Space and Security*: Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

- *Structure and Material*: To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.

- *Site and Neighborhood*: Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:

  - Dangerous walks or steps
  - Instability
  - Flooding, poor drainage
  - Septic tank back-ups
  - Sewage hazards
  - Mud slides
  - Abnormal air pollution
  - Smoke or dust
  - Excessive noise
  - Vibrations or vehicular traffic
  - Excessive accumulations of trash
  - Vermin or rodent infestation, and
  - Fire hazards.

The housing quality standards applicable to lead-based paint do not apply.

E. HOMEOWNERSHIP [24 CFR 982.625]

General

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family.

The Housing Authority will offer monthly homeownership assistance payments to qualified families according to the policies contained in this chapter.

Monthly Homeownership Assistance Payments

The Housing Authority will offer monthly homeownership assistance only to participating families who:

Are working toward becoming self-sufficient

Are elderly or disabled and are working toward leading the most independent and productive life possible

Family Self-Sufficiency (FSS) participants who have been on FSS for at least one year may receive a preference if they are in compliance with their FSS Contract of Participation

Monthly Homeownership Assistance: Eligibility Requirements [24 CFR 982.627]

The family must meet all of the requirements listed below before the commencement of homeownership assistance.

The family must currently be a participant on the Housing Choice Voucher program.

The family must qualify as a first-time homeowner.

The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home.

For elderly or disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12. Welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement.

The family must meet the Federal minimum employment requirement.

At least one adult family member who will own the home must be currently employed full time and must have been continuously employed for one year prior to homeownership assistance.

HUD regulations define “full time employment” as not less than an average of 30 hours per week.

The Federal minimum employment requirement does not apply to elderly or disabled families.

Any family member who was an adult member of a family that previously defaulted on a mortgage obtained through the homeownership option is barred from receiving future homeownership assistance.

The Housing Authority will impose the following additional initial requirements:

The family is not within the initial first year on the Section 8 Program.

The family does not owe money to the Housing Authority.

The family has been in compliance with the Section 8 Program obligations for the past two years.

Homeownership Counseling Requirements [24 CFR 982.630]

When the family has been determined eligible, they must attend and complete homeownership counseling sessions approved by the Housing Authority.

The following topics will be included in the homeownership counseling sessions:

Home maintenance (including care of the grounds);

Budgeting and money management;

Credit counseling;

How to obtain homeownership financing and loan preapprovals, including a description of types of financing that may be available, and the pros and cons of different types of financing.

Eligible Units [24 CFR 982.628]

The unit must meet all of the following requirements:

The unit must meet HUD's "Eligible Housing" requirements. The unit may not be any of the following:

A public housing or Indian housing unit;

A unit receiving Section 8 project-based assistance;

A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;

A college or other school dormitory;

On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.

The unit already existed or was under construction at the time the family was determined eligible for homeownership assistance.

The unit is a one-unit property or a single dwelling unit in a cooperative or condominium.

The unit has been inspected by the Housing Authority and by an independent inspector designated by the family.

The unit meets HUD Housing Quality Standards.

The unit may be a home where the family will not own fee title to the real property (such as a manufactured home), if the home has a permanent foundation and the family has the right to occupy the site for at least 40 years.

The Housing Authority must not approve the seller of the unit if the Housing Authority has been informed that the seller is debarred, suspended, or subject to a limited denial of participation. The Housing Authority may disapprove the seller for any reason provided for disapproval of an owner in the voucher program.

Housing Authority Search and Purchase Requirements [24 CFR 982.629]

The Housing Authority has established the maximum time that will be allowed for a family to locate and purchase a home.

The family's deadline date for locating a home to purchase will be 120 days from the date the family's eligibility for the homeownership option is determined.

The family must obtain financing for the home within 60 days of locating a home to purchase.

The Housing Authority will require periodic reports on the family's progress in finding and purchasing a home. Such reports will be provided by the family at intervals of 60 days.

If the family is unable to purchase a home within the maximum time limit, the Housing Authority will issue the family a voucher to lease a unit**.**

Inspection and Contract [24 CFR 982.631]

The unit must meet Housing Quality Standards, and must also be inspected by an independent professional inspector selected and paid by the family.

The independent inspection must cover major building systems and components. The inspector must be qualified to identify physical defects and report on property conditions, including major building systems and components. These systems and components include, but are not limited to:

Foundation and structure;

Housing interior and exterior;

Roofing;

Plumbing, electrical and heating systems.

The independent inspector must not be a Housing Authority employee or contractor. The Housing Authority will not require the family to use an independent inspector selected by the Housing Authority.

Copies of the independent inspection report will be provided to the family and the Housing Authority. Based on the information in this report, the family and the Housing Authority will determine whether any pre-purchase repairs are necessary.

The Housing Authority may disapprove the unit for homeownership assistance because of information in the report.

The family must enter into a contract of sale with the seller of the unit. A copy of the contract must be given to the Housing Authority. The contract of sale must specify the price and terms of sale, and provide that the purchaser will arrange for a pre-purchase independent inspection of the home. The contract must also:

Provide that the purchaser is not obligated to buy the unit unless the inspection is satisfactory;

Provide that the purchaser is not obligated to pay for necessary repairs; and

Contain the seller's certification that he or she has not been debarred, suspended or subject to a limited denial of participation.

Financing [24 CFR 982.632]

The family is responsible for securing financing. The Housing Authority has established financing requirements, listed below, and may disapprove proposed financing if the Housing Authority determines that the debt is unaffordable.

The Housing Authority will prohibit the following forms of financing:

Balloon payment mortgages

Variable interest rate loans

The Housing Authority will require a minimum cash down payment of three percent of the purchase price. One percent of this must be paid by the family's own resources.

Continued Assistance [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. The family or lender is not required to refund homeownership assistance for the month when the family moves out.

The family must comply with the following obligations:

The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.

The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to CFR 982.551 (h) and (i).

The family must supply information to the Housing Authority or HUD as specified in CFR 982.551(b). The family must further supply any information required by the Housing Authority or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.

The family must notify the Housing Authority before moving out of the home.

The family must notify the Housing Authority if the family defaults on the mortgage used to purchase the home.

No family member may have any ownership interest in any other residential property.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

Maximum Term of Homeownership Assistance [24 CFR 982.634]

Except in the case of elderly or disabled families, the maximum term of homeownership assistance is:

15 years, if the initial mortgage term is 20 years or longer, or

10 years in all other cases.

The elderly exception only applies if the family qualified as elderly at the start of homeownership assistance. The disabled exception applies if, at any time during receipt of homeownership assistance, the family qualifies as disabled.

If the family ceases to qualify as elderly or disabled during the course of homeownership assistance, the maximum term becomes applicable from the date assistance commenced. However, such a family must be afforded at least 6 months of homeownership assistance after the maximum term becomes applicable.

If the family receives homeownership assistance for different homes, or from different Housing Authorities, the total is subject to the maximum term limitations.

Homeownership Assistance Payments and Homeownership Expenses [24 CFR 982.635]

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

In determining the amount of the homeownership assistance payment, the Housing Authority will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described in this plan for the Housing Choice Voucher program.

The Housing Authority will pay the homeownership assistance payment to a lender on behalf of the family**.**

Some homeownership expenses are determined by the Housing Authority in accordance with HUD regulations. These are used in determining expenses for all homeownership families and are not based on the condition of the home.

Homeownership expenses include:

Principal and interest on mortgage debt.

Mortgage insurance premium.

Taxes and insurance.

The Housing Authority utility allowance used for the voucher program.

The Housing Authority allowance for routine maintenance costs**.**

The Housing Authority allowance for major repairs and replacements.

Principal and interest on debt for improvements.

If the home is a cooperative or condominium, expenses also include operating expenses or maintenance fees assessed by the homeowner association.

Portability [24 CFR 982.636, 982.353(b) and (c), 982.552, 982.553]

Subject to the restrictions on portability included in HUD regulations and in Chapter 13 of this plan, the family may exercise portability if the receiving Housing Authority is administering a voucher homeownership program and accepting new homeownership families.

The receiving Housing Authority may absorb the family into its voucher program, or bill the initial Housing Authority. The receiving Housing Authority arranges for housing counseling and the receiving Housing Authority's homeownership policies apply.

Moving With Continued Assistance [24 CFR 982.637]

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

The Housing Authority prohibits more than one move by the family during any one year period.

The Housing Authority will deny permission to move with continued rental or homeownership assistance if the Housing Authority determines that it does not have sufficient funding to provide continued assistance.

Denial or Termination of Assistance [24 CFR 982.638]

Termination of homeownership assistance is governed by the policies for the Housing Choice Voucher program contained in chapter 15 of the Administrative Plan. However, the provisions of CFR 982.551 (c) through (j) are not applicable to homeownership.

The Housing Authority will terminate homeownership assistance if the family is dispossessed from the home due to a judgment or order of foreclosure.

> The Housing Authority will permit such a family to move with continued voucher rental assistance. However, rental assistance will be denied if the family defaulted on an FHA-insured mortgage, and the family fails to demonstrate that:
>
> > The family has conveyed, or will convey, title to the home as required by HUD, and
> >
> > The family has moved, or will move, within the period required by HUD.
>
> The Housing Authority will not permit such a family to move with voucher rental assistance.

The Housing Authority will terminate homeownership assistance if the family violates any of the family obligations contained in this section.

The Housing Authority will terminate homeownership assistance if the family violates any of the following family obligations:

> Transfer or conveyance of ownership of the home;
>
> Providing requested information to the Housing Authority or HUD;
>
> Notifying the Housing Authority before moving out of the home;
>
> The Housing Authority may issue the family a HCV if the default of the mortgage occurred under circumstances beyond the control of the family.

Chapter 21

PROJECT BASED VOUCHER (PBV) PROGRAM
[24 CFR 983]

INTRODUCTION

The Sonoma County Housing Authority (Housing Authority) implemented a project-based assistance program as part of its Section 8 Housing Choice Voucher Program in 2004. Up to 20% of the Housing Authority's Annual Contributions Contract (ACC) may be made available for this program which attaches the funding to specific units rather than using it for tenant-based assistance. The Housing Authority will determine the availability of vouchers and the need for project-based assistance.

The Project-Based Assistance (PBV) Program attaches Section 8 rental assistance to selected units for a period of up to 10 years. The Housing Authority implemented the PBV Program due to the difficult rental market of Sonoma County and its impact on the supply of affordable housing. Project-basing units under this program will create a stable, long-term resource of affordable housing and will help ensure the preservation of and continued access to the existing stock of affordable housing. The PBV Program will also serve as an additional marketing tool to attract owner participation in providing units for low-income participants. The following policy is established in compliance with the PBV Program Final Rule dated October 13, 2005 regarding 24 CFR Section 938, and outlines the procedures by which the Sonoma County Housing Authority will select units to receive rental assistance through its Project Based Assistance Program for new construction projects, rehabilitated projects, and existing housing.

The Sonoma County Housing Authority's PBV Program will be consistent with the Housing Authority Annual Plan which includes a statement indicating the maximum number of total PBV units that will be placed under contract by the Housing Authority. No more than 25% of the units in any PBV project may receive assistance except for single family dwellings (four or fewer units), dwellings specifically designated for elderly, or dwellings specifically designated for disabled families.

A. SELECTION OF PBV OWNER PROPOSALS

The Housing Authority will select PBV proposals by either of the following two methods.

1) Request for Proposals (RFP) procedure in accordance with the provisions of this Chapter.

2) Non competitive award procedure in accordance with the provisions of this Chapter.

B. PROCESS FOR SELECTING UNITS BY MEANS OF A REQUEST FOR PROPOSALS (PBV)

Advertising Procedures

The Housing Authority will advertise in a newspaper of general circulation, currently the **Press Democrat**, by publishing a public notice that indicates that the Housing Authority will accept applications from property owners for the purpose of selecting projects to be assisted under a PBV Program.

The advertisement will be published once a week for three consecutive weeks and will include the following information:

- Number of vouchers the Housing Authority will make available under the PBV program.
- Number of units in a building that may be project-based.
- Type of units (existing, new construction and/or rehabilitation) that will be considered for project-basing.
- Application Deadline (at least 30 days after the last published date of advertisement).
- Statement that participation in the program requires compliance with Fair Housing and Equal Opportunity requirements, and that the Federal Labor Standard provisions may be applicable for new and rehabilitation projects.
- The Housing Authority's selection policies as outlined below in Application Review.

Application Requirements and Evaluation Criteria

Application Submission Deadline

Owner applications will be accepted until the published deadline at the Housing Authority Office indicated on the RFP. This deadline will be a date at least 30 days after the last published date of the advertisement. The Housing Authority will date and time stamp all applications upon receipt. Applications received after the published deadline date will not be accepted for consideration under the RFP process. Postmarks are not acceptable.

Incomplete and Non-Responsive/Non-Compliant Applications

If a supporting document required by the RFP is not under the control of the applicant and cannot be obtained within the filing deadline, the applicant must include a written explanation in the application detailing the cause of the delay and the anticipated date the document will be delivered. The Housing Authority will review the information provided and accept the application, but classify it as non-responsive pending receipt of the document. The application will be re-dated upon receipt of the document. In no case will documentation be accepted more than ten (10) days after the final deadline.

If the Housing Authority finds that an application is found to be non-responsive or non-compliant with the RFP, written selection criteria and procedures, or HUD program regulations, it will be rejected and returned to the applicant with notification stating the reason for rejection.

In cases where the application meets the minimum information requirements, but is defective through typographical or minor calculation errors, the application will be processed.

The Housing Authority reserves the right to reject applications at any time for misinformation, errors, or omissions of any kind, no matter how far they have been processed.

C. PROCESS FOR SELECTING UNITS ON NON-COMPETITIVE BASIS

The Sonoma County Housing Authority may select, without competition, a proposal for project based housing assisted under a federal, State, or local government housing assistance, community development, or supportive services program that required competitive selection of proposals, where the proposal has been selected in accordance with such program's competitive selection requirements within 3 years of the PBV proposal selection date, and the earlier competitively selected housing assistance proposal did not involve any consideration that the project would receive PBV assistance.

Additionally, the PHA may add units to an existing PBV HAP Contract without engaging in a competitive process in order to preserve funding or provide additional resources to serve homeless families.

Non-Competitive proposals can be submitted to the Housing Authority at any time on a form provided by the Housing Authority. The Housing Authority will select proposals for PBV assistance on a non-competitive basis, in cases where one or more of the following circumstances exist:

- The project has been awarded funding through the CDC's HOME competitive selection process (This does not include HOME Tenant-Based Assistance awards).
- The project has been awarded low-income housing tax credits (LIHTCs)
- Any other federal, State or local government affordable housing program that awards funding for the development of new housing units or the rehabilitation of existing housing that is designed to be affordable to individuals and families at or below 80 percent of the area median income (based upon the family composition).

In cases where non-competitive awards are made by SCHA, the developer/owner must:

- Demonstrate that the financial analysis of the earlier competitive selection proposal demonstrated project feasibility without PBV assistance.
- Clearly document the PBV proposal demonstrate what circumstances have changed so that PBV assistance is now needed for project feasibility.
- Agree that all households to be assisted with PBV assistance must be at 30% AMI or below.
- Agree to take the lead in initiating and completing the required subsidy-layering review and environmental impact report per HUD rules.

The total number of PBV units awarded will be within the allowed maximum number per the Housing Authority Annual Plan. PBV awards are made in accordance with this policy and at the discretion of the CDC Executive Director.

The Housing Authority will publish the award of any units under the PBV Program in a newspaper of general circulation. Every effort will be made to publish the results of any awards under the PBV Program within 30 days of the award date.

D. APPLICATION REVIEW AND AWARD PROCESS

Application Review Panel

The Executive Director of the Housing Authority, or his/her designee, will appoint a PBV selection panel of at least three people who will review, evaluate and select applications in accordance with the provisions of this chapter. The committee will score applications and submit its recommendations to the Executive Director within 45 days of PBV application period.

Application Review

The Housing Authority will review all applications. Before selecting units, the Housing Authority will determine that each application is responsive to and in compliance with the Housing Authority's written selection criteria and procedures, and in conformity with HUD program regulation and requirements at 24 CFR 983 including the following items:

1. Evidence of site control.

2. Certification that the owner and other project principles are not on the U.S. General Services Administration list of parties excluded from Federal procurement and non-procurement programs.

3. Proposed initial gross rents must not exceed 110% of the established Fair Market Rents (FMR) or any HUD-approved "exception payment standard" for the area where the housing is located.

4. Property must meet applicable eligibility requirements under Section 983 and HUD environmental regulations as per 24 CFR parts 50 and 58. (Does not apply for existing housing projects).

5. No rehabilitation or construction has commenced prior to the execution of the Agreement to Enter into a HAP Contract (AHAP), as evidenced by Housing Authority inspection. (Does not apply to existing housing).

6. Proposed number of units to be project-based does not exceed 25% of the total units in the project, except in the case of a housing project for seniors or persons with disabilities, or single-family dwellings (4 units or less per building), or families that are receiving supportive services. In which case up to 100% of the units in such buildings may be proposed for PBV assistance.

7. The site is located in a census tract with a poverty rate of not more than 20%. Projects located in areas with higher poverty rates may also be considered, but the owner must submit justification for the need to project-base their development in such an area.

8. For rehab only: Housing units that exist on the proposal selection date, but do not substantially comply with the HQS on that date, and are developed, pursuant to an Agreement between the Housing Authority and owner, for use under the PBV program (as evidenced by Housing Authority inspection).

9. For existing housing only: Property meets the definition of "existing housing" for purposes of the PBV Program, if the units can be brought into HQS compliance within 45 days of proposal selection. with the units must pass HQS before execution of the HAP contract.

10. Project meets requirements of Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments Act of 1988.

11. For rehab and existing housing, current tenants must be low-income and meet income eligibility requirements for the Section 8 Voucher Program. The Housing Authority may not select a unit, or enter into an Agreement with respect to a unit, if the unit is occupied by persons who are not eligible for participation in the program.

PBV projects must comply with Section 983.57 regulations regarding site and neighborhood standards.

RFP Evaluation and Ranking Process

Proposals that meet the requirements will be evaluated and ranked according to the rating and ranking factors described in the RFP.

A PBV Ranking List will be prepared according to points awarded to each proposal. The application scoring the highest points and that is responsive to and in compliance with the Housing Authority's written selection criteria and procedures, and HUD program regulations, will be awarded project-based vouchers up to the amount requested (and allowed per regulations and Housing Authority policy) for the particular development, but not to exceed the number of vouchers advertised as available for the program.

If, after awarding the highest scoring application, there are still vouchers available, the Housing Authority will award the next highest ranking applications until the available vouchers have been assigned. If the Housing Authority determines that an application is eligible for PBV funding but cannot be fully funded at the amount requested by the owner, the owner will be given the opportunity to receive partial funding.

If a proposal does not meet the requirements as indicated above, it will be designated as non-compliant and a notice to that effect, identifying the disqualifying factor, will be sent to the applicant.

Award of Funding

The Housing Authority will give prompt written notice to the party that submitted a selected proposal. The Housing Authority will also give prompt public notice of such selection in a newspaper of general circulation, currently the **Press Democrat**, by publishing a public notice of the selection.

Tied Applications

In the case of a tie score between two or more applications and not enough units available to award each tied application, the following factors will be considered to determine the application to be selected:

1. The application that will provide the most number of units to be project-based will be awarded.
2. The application with the earliest submittal date and time.

Applications meeting the requirements as described above will be awarded Project-Based Assistance in the order that they are received (or for RFPs, as of the date they are considered "complete"; see Incomplete and Non-Responsive/Non-compliant Applications) until the available PBV Vouchers are assigned. If the Housing Authority determines that an application is eligible for PBV funding but cannot be fully funded at the amount requested by the owner, the owner will be given the opportunity to receive partial funding.

E. APPLICATION FORMAT AND CONTENT

The following guidelines apply to all projects submitted for PBV funding.

Owner applications are to be completed using the applicable forms provided by the Housing Authority and/or format described in the Request for Proposals.

The application will list ineligible properties and will state that properties awarded PBV must meet the property requirements as indicated in HUD regulations and as pertaining to each type of housing (new construction, rehabilitation or existing), including the site and neighborhood standards, zoning requirements, per unit minimum cost factor (rehab only), and other Federal Requirements.

The application will require that applications from owners must meet the requirements listed above and must contain the following information:

1. A detailed description of the housing project including:
    a. The number of buildings in the project, and identification, by building, of the number of units by size (square footage), bedroom count and bathroom count.
    b. A listing of amenities and services.
    c. A detailed description of the supportive services provided (or to be provided) for the residents. Include information on the type of services, the frequency the services are offered, whether the services are provided on-site and whether there is a fee charged.
    d. The poverty rate of the census tract in which the site/project is located.
    e. A description of the area in which the project is located, including a list of all employment centers, schools or colleges, public transportation, health facilities, and parks and recreational areas that are in the general area of the site/project and the distance of each from the site.
    f. The estimated dates for the commencement and completion of construction. (Does not apply for existing housing projects.)

g. Architectural schematic level drawings of the proposed project including elevations, unit plans, and the site plan. (Does not apply for existing housing projects.)

For rehabilitation, the description must describe the property as is and must also describe the proposed rehabilitation.

2. Evidence of site control.

3. Evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations, or evidence to indicate that the needed rezoning is likely to be obtained and will not delay the project. (Does not apply to existing housing projects.)

4. The current (does not apply to new construction) and proposed contract rent per unit, including units to be project-based, including an indication of which utilities, services, and equipment are included in the rent and which are not included. For those utilities that are not included in the rent, an estimate of the average monthly cost of each unit type for the first year of occupancy.

5. A statement identifying:

   a. A list of the persons (families or businesses) occupying the property on the date of the submission of the application. If families, include their address, unit size, family size, current rent and approximate annual income. (Does not apply to new construction.)

   b. The number of persons to be displaced, temporarily relocated or moved permanently within the building or complex; (Applies only to rehabilitation projects.)

   c. The estimated cost of relocation payments and services, and the sources of funding; (Does not apply for existing housing or new construction projects)

   d. The organization(s) that will carry out the relocation activities (Does not apply to existing housing or new construction); and

6. Information regarding the owner and other project principals, including:

   a. The identity of the owner and other project principals and the names of officers and principal members, shareholders, investors, and other parties having a substantial interest.

   b. Certification showing that the above-mentioned parties are not on the U.S. General Services Administration list of parties excluded from Federal procurement and non-procurement programs;

   c. A disclosure of any possible conflict of interest by any of these parties that would be a violation of the Agreement or the HAP contract; and

   d. Information on the qualifications and experience of the principal participants.

   Information concerning any participant who is not known at the time of the owner's submission must be provided to the Housing Authority as soon as the participant is known.

7. The owner's plan for managing and maintaining the units and identification of the proposed property management agent.

8. A Project Financing Plan with evidence of financing or lender interest and the proposed terms of financing. (Does not apply for existing housing projects.)

9. Basic project financing schedules to include the following:

   a. A sources and uses of funds table to include the required estimate of construction costs. (Does not apply to existing housing.)

   b. A detailed estimate of anticipated project construction costs prepared by either a general construction contractor deemed reasonably qualified to construct the project or a professional cost estimating firm. (Does

   not apply to existing housing.)

   c. A twenty (20) year operating period pro forma cash flow analysis presenting anticipated initial contract rents for all units, both assisted and unassisted through PBV. (Does not apply to existing housing.)

   d. For existing housing only: Operating proforma statement and current year operating budget including estimated Section 8 subsidy amount.

10. The proposed term of the HAP contract; and

11. Such other information as the Housing Authority believes necessary as identified in the Public Notice, RFP/application, or in the selection and/or ranking criteria.

Other Requirements

The application will inform applicants that the following items must be completed before the Housing Authority can execute an Agreement or Housing Assistance Payments Contract with any selected owner.

1. Establish the rents in accordance with Section 983.

2. Complete a subsidy layering contract rent review when required. Property must meet applicable eligibility requirements under Section 983, including eligible and ineligible properties, other Federal requirements, and site and neighborhood standards.

3. Obtain environmental clearance in accordance with Section 983. (Does not apply to existing housing.)

4. For rehabilitation projects, the owner must prepare work write-ups and, where determined necessary by the Housing Authority, specifications and plans. The Housing Authority has flexibility to determine the appropriate documentation to be submitted by the owner based on the nature of the identified rehabilitation. The work write-ups must address the specific work items identified by the Housing Authority.

5. Before an Agreement is executed for new construction units, the owner must submit the design architect's certification that the proposed new construction reflected in the working drawings and specifications complies with housing quality standards, local codes and ordinances, and zoning requirements.

F. FACTORS FOR SELECTING APPLICATIONS

The following factors will be used by the Housing Authority to select applications for the PBV Program:

- Site
- Design
- Previous Experience of Owner and Participants in Development, Marketing and Management of Affordable Low-income Housing
- Feasibility of the Project as a Whole (including likelihood of financing and marketability)
- Local Objectives

G. OTHER PROGRAM GUIDELINES

The following guidelines apply to all projects awarded with project-based assistance.

Contract Term

The initial term of the Housing Assistance Payment Contract may be up to 20 years and is subject to future availability of appropriations and future availability of funding under the Housing Authority's Annual Contribution Contracts.

PBV HAP Contract Extension

The Housing Authority may agree to enter into an extension of the HAP contract at the time of the initial HAP contract execution or anytime before the expiration of the contract if the Housing Authority determines an extension is appropriate to continue providing affordable housing for low-income families. The maximum term for an extension of the HAP contract is 20 years. The Housing Authority may allow multiple extensions, however, such extensions shall not exceed 20 years, cumulatively. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

The Housing Authority will provide the owner 12-month's notice of the expiration of the PBV HAP contract, and invite the owner to submit a letter requesting an extension. The Housing Authority may extend the term of the contract administratively, without an open competition, for one or more additional terms of up to 20 years total if the Housing Authority determines an extension is required for the project to continue providing housing for low-income families at or below 50% AMI.

Extension of PBV HAP contracts will be considered on a case by case basis, including whether (a) to extend for a full 20 years or a shorter timeframe, and (b) the project is able continue housing families at or below 50% AMI with a smaller number of PBVs than originally approved (i.e. reduce the number of PB units at the property). When determining whether or not to extend

an expiring PBV contract, for how long, and the number of units, the Housing Authority within its sole discretion will consider several factors including, but not limited to:

- The total HAP cost of the contract extension and the amount of available budget authority;
- The staffing capacity of the Housing Authority to continue administering the PBV contract;
- 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 deconcentrating poverty and expanding housing opportunities;
- Evidence of financial needs of the property (including an examination of operating, reserve, and other budgets and financial documentation);
- Demonstrated need of the minimum number of project based vouchers required to achieve long-term affordability of the housing including (i) financing debt for rehabilitation activity, (ii) meeting the contractual obligation to rent to households at or below 50% of AMI, and (iii) covering a reasonable operating deficit;
- Current demand for the units by households with tenant based or project based assistance; and
- Whether the funding could better serve extremely low-income households at another property seeking PBV assistance (or new construction project), or in the tenant based voucher program.

Tenant Selection

Many of the policies and provisions of the tenant-based voucher regulations also apply to the PBV program. This includes requirements related to determining eligibility and waiting list preferences. The Housing Authority will use the same selection preferences that are used for the tenant-based voucher program. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

HUD regulations mandate that the Housing Authority apply income targeting requirements that require 75% of the families admitted to the Section 8 Housing Choice Voucher Program (including PBV) be families whose annual income does not exceed 30% of Area Median Income (AMI). Consequently, the Housing Authority may require the residents of units selected to be project-based to meet this income requirement.

Applicants who will occupy vacant or turnover units with PBV assistance are selected from the Housing Authority's waiting list. The Housing Authority uses its existing Section 8 tenant-based waiting list to refer applicants for vacant project-based units.

Families that have previously been issued a tenant based voucher and are interested in leasing a vacant project based unit may surrender their tenant based voucher and move into the project based unit, without having to reapply to the SCHA waiting list. All other eligibility factors, including income targeting apply. At the end of the project based lease term, the family may be eligible to receive another tenant based voucher if they want to move and tenant based vouchers are available to be issued (see Family Choice to Move with Continued Assistance on page 21-11 for more information).

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the Housing Authority will first refer families who require such features to the owner.

Moves

1. Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.259]

If the Housing Authority determines that a family is occupying a wrong size unit, based on the Housing Authority's subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, the Housing Authority must promptly notify the family and the owner of this determination, and the Housing Authority must offer the family the opportunity to receive continued housing assistance in another unit.

If the Housing Authority offers the family a tenant-based voucher, the Housing Authority must terminate the housing assistance payments for a wrong-sized or accessible unit at expiration of the term of the family's voucher (including any extension granted by the Housing Authority).

If the Housing Authority offers the family another form of assistance that is not a tenant-based voucher, such as another PBV unit, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the Housing Authority, or both, the Housing Authority must terminate the housing assistance payments for the unit at the expiration of a reasonable period, generally 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 Housing Authority will terminate the housing assistance payments at the expiration of this 30-day period. The Housing Authority 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 Choice to Move with Continued Assistance

A family who resides in a Project Based Voucher unit for at least twelve (12) months may move with continued assistance with a tenant-based Housing Choice Voucher or its equivalent if and when one is available. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the Housing Authority. If the family wishes to move with continued tenant-based assistance, the family must contact the Housing Authority 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 Housing Authority will offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If a voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, the Housing Authority will 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.

Rent Calculation

HUD regulations provide that the PBV rents must be rent reasonable in relation to rents charged in the private market for comparable unassisted units in the area. The Housing Authority will use its standard Rent Reasonableness determinations (See Chapter 11).

Contract rents are limited to 110% of the established FMR or HUD-approved "exception payment standard" and include the utility allowance for both the initial rent and annual adjustments.

For certain tax credit units, the rent limits are determined differently than for other PBV units. The Housing Authority will follow HUD regulations in determining rent limits for these units.

The Housing Authority will provide PBV assistance only in accordance with HUD subsidy layering regulations (24 CFR 4.13) and other requirements. When a subsidy layering review is conducted, the Housing Authority may not enter an Agreement or 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 subsidy layering review is intended to prevent excessive public assistance for the housing 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 credits.

NOTE: When determining comparability, the units in the building receiving a Low Income Housing Tax Credits (LIHTC) shall not be used since these units are considered to be assisted units.

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
ADA	Americans with Disabilities Act of 1990
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
ELI	Extremely low income
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FmHA	Farmers Home Administration
FMR	Fair Market Rent
FSS	Family Self-Sufficiency (Program)
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GR	Gross Rent
HAP	Housing Assistance Payment
HCV	Housing Choice Voucher
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee.
IG	Inspector General
IGR	Independent Group Residence

IPA	Independent Public Accountant
IRA	Individual Retirement Account
IRS	Internal Revenue Service
LBP	Lead-based paint
MSA	Metropolitan Statistical Area established by the U.S. Census Bureau
MTCS	Multi-family Tenant Characteristics System (now the Form HUD-50058 submodule of the PIC system)
NOFA	Notice of funding availability
OMB	Office of Management and Budget
PASS	Plan for Achieving Self-Support
PHA	Public Housing Agency
PHRA	Public Housing Reform Act of 1998 (also known as the Quality Housing and Work Responsibility Act)
PIC	PIH Information Center
PIH	(HUD Office of) Public and Indian Housing
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
PSH	Permanent Supportive Housing
QC	Quality Control
QHWRA	Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)
REAC	(HUD) Real Estate Assessment Center
RTA	Request for tenancy approval
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SEMAP	Section 8 Management Assessment Program
SRO	Single Room Occupancy
SSA	Social Security Administration
SSI	Supplemental security income

SSMA	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
TANF	Temporary assistance for needy families
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment
VAWA	Violence Against Women Reauthorization Act of 2005

B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

ABSORPTION. This term is used in portability, which means renting a unit outside the jurisdiction of the Initial Housing Authority. Absorption is when the receiving Housing Authority uses funds available under its own ACC, rather than billing the Initial Housing Authority for assistance on behalf of a portability family.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to the Housing Authority under the consolidated ACC (during a Housing Authority fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program when the annual HAP payments exceed the amount budgeted for that year.

ACCESSIBLE. The facility or portion of the facility can be approached, entered, and used by individuals with mobility impairments.

ADJUSTED INCOME (or Adjusted Annual Income). The family's annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE. Fee paid by HUD to the Housing Authority for administration of the program. See §982.152.

ADMINISTRATIVE FEE RESERVE (ALSO KNOWN AS "UNRESTRICTED NET ASSETS). Account established by Housing Authority from administrative fee income savings due to prudent program management. The administrative fee reserve must be used for housing purposes. See §982.155. Administrative fee reserves from FY 2004 and later are further restricted to activities related to the provision of tenant-based rental assistance authorized under Section 8.

ADMINISTRATIVE PLAN. The HUD required written policy of the Housing Authority governing its administration of the Section 8 Housing Choice Voucher Program. The Administrative Plan and any revisions must be approved by the Housing Authority's board and included as a supporting document to the Housing Authority Plan. See §982.54.

ADMISSION. The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.
ANNUAL BUDGET AUTHORITY. The maximum annual payment by HUD to a Housing Authority for a funding increment.

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and a Housing Authority. Under the contract HUD agrees to provide funding for operation of the program, and the Housing Authority agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

APPLICANT. (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

AREA EXCEPTION RENT. Rent based on a HUD-approved payment standard amount that is higher than the basic range for a designated part of the fair market rent area ("exception area").

ASSETS. (See Net Family Assets.)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY. An amount authorized and appropriated by Congress for payment to HAs under the program. For each funding increment in a Housing Authority program, budget authority is the maximum amount that may be paid by HUD to the Housing Authority over the ACC term of the funding increment.

VOUCHER HOLDER. A family holding a voucher which has not expired.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CO-HEAD. An adult 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.

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

COOPERATIVE. A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONTIGUOUS MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial Housing Authority is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person, or is a full-time student 18 years of age or over.

DISABILITY ASSISTANCE EXPENSE. Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

DISABLED PERSON. A person who is any of the following:

> A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
>
> A person who has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that ability to live independently could be improved by more suitable housing conditions.
>
> A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISABLED FAMILY. A family where the head (including co-head), spouse or sole member is a person with a disability.

DISPLACED PERSON/FAMILY. A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

DRUG TRAFFICKING. The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY FAMILY. A family whose head (including co-head), spouse or whose sole member is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

ELDERLY PERSON. A person who is at least 62 years old.

EXCEPTION RENT. An amount that exceeds the published fair market rent.

EXTREMELY LOW-INCOME FAMILY. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the *Federal Register.*

FAMILY. "Family" includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

A group of persons residing together, and such group includes, but is not limited to:

- A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family;
- The remaining member of a tenant family

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by a Housing Authority to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE. The size of the voucher issued to the family based on the Housing Authority's subsidy standards.

FMR/EXCEPTION RENT LIMIT. The fair market rent published by HUD headquarters. In the voucher program the Housing Authority may adopt a payment standard up to the 110% of the FMR/exception rent limit.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is attending school or vocational training on a full-time basis.

FUNDING INCREMENT. Each commitment of budget authority by HUD to a Housing Authority under the consolidated annual contributions contract for the Housing Authority program.

GENDER IDENTITY. Actual or perceived gender-related characteristics.

GROSS RENT. The sum of the Rent to Owner and the utility allowance. If there is no utility allowance, Rent to Owner equals Gross Rent.

GROUP HOME. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The adult member of the household who is designated by the family as head. This is the person who assumes legal and financial responsibility for the household and is listed on the application as head. Emancipated minors who qualify under the State law will be recognized as head of household.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was re-codified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by a Housing Authority. The total assistance payment consists of:

> A payment to the owner for rent to owner under the family's lease.
>
> An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between a Housing Authority and an owner in the form prescribed by HUD headquarters, in which the Housing Authority agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD FORM 50058: The HUD form that Housing Authorities are required to complete for each assisted household in order to record information used in the certification and re-certification process, and for interim examination.

HUD REQUIREMENTS. HUD requirements for the Section 8 Program are issued by HUD headquarters as regulations, Federal Register notices or other binding program directives.

IMPUTED ASSET. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed $5,000.

INITIAL PHA. In portability, the term refers to both:

> A Housing Authority that originally selected a family that later decides to move out of the jurisdiction of the selecting Housing Authority; and
>
> A Housing Authority that absorbed a family that later decides to move out of the jurisdiction of the absorbing Housing Authority.

INITIAL PAYMENT STANDARD. The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO OWNER. The rent paid to owner by the Housing Authority at the beginning of the initial contract term.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

JURISDICTION. The area in which the Housing Authority has authority under State and local law to administer the program.

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LEASE. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the Housing Authority. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the Housing Authority.

LEASE ADDENDUM. See Tenancy Addendum

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

Is determined to be essential to the care and well-being of the person.

Is not obligated for the support of the person.

Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE. A preference used by the Housing Authority to select among applicant families.

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

MANUFACTURED HOME. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MEDICAL EXPENSES. Those total medical expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MIXED FAMILY. A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NEAR-ELDERLY FAMILY. A family whose head (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at 50 years of age but below the age of 62.

NET FAMILY ASSETS. Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

NON-CITIZEN. A person who is neither a citizen nor a national of the United States.

OCCUPANCY STANDARDS. Standards established by a Housing Authority to determine the appropriate number of bedrooms for families of different sizes and compositions.

OPT OUT: Rental housing projects which have contracts with HUD that are expiring and the owner decides not to renew the contract.

OWNER. Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT. A family that has been admitted to the Housing Authority's voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the Housing Authority for the family (First day of initial lease term).

PAYMENT STANDARD. The maximum subsidy payment for a family (before deducting the family contribution). The Housing Authority sets a payment standard in the range from 90 to 110 percent of the current FMR/exception rent limit.

PERMANENT SUPPORTIVE HOUSING. Housing model that combines low barrier affordable housing and supportive housing to help individuals and families lead more stable lives.

PERSONS WITH DISABILITIES. Individuals with any condition or characteristic that renders a person an individual with a disability as defined in 24 CFR 8.2.

PHA PLAN. The Public Housing Agency Plan which includes an annual plan and 5-year plan. It must be adopted by the Housing Authority and approved by HUD in accordance with 24 CFR part 903.

PORTABILITY. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial Housing Authority.

PORT-IN FAMILIES: Families that are moving their Section 8 assistance into a new jurisdiction.

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

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PROGRAM. The Section 8 Housing Choice Voucher rental assistance program.

PROGRAM RECEIPTS. HUD payments to the Housing Authority under the consolidated ACC, and any other amounts received by the Housing Authority in connection with the program.

PROJECT. The units as defined in Attachment A of a Project Based Voucher (PBV) contract.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following:

> A consortia of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members).
>
> Any other public or private non-profit entity that was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a Housing Authority) on October 21, 1998; or
>
> For any area outside the jurisdiction of a Housing Authority that is administering a tenant-based program, or where HUD determines that such Housing Authority is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.

QUALITY HOUSING AND WORK RESPONSIBILITY ACT (QHWRA): It enacted substantial revisions to the laws governing the Section 8 Program. QHWRA was attached to the Fiscal Year 1999 appropriations bill (H.R. 4194) and amends the United States Housing Act of 1937.

REASONABLE RENT. A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.

RECEIVING Housing Authority. In portability: An Housing Authority that receives a family selected for participation in the tenant-based program of another Housing Authority. The receiving Housing Authority issues a voucher and provides program assistance to the family.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

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

RESIDENCY PREFERENCE AREA. The specified area where families must reside to qualify for a residency preference.

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

RESPONSIBLE ENTITY. For the public housing and Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the Housing Authority administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SENIOR. See Elderly Person.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SEXUAL ORIENTATION. Homosexuality, heterosexuality, or bisexuality.

SINGLE PERSON. A person living alone or intending to live alone.

SPECIAL ADMISSION. Admission of an applicant that is not on the Housing Authority waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

> Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
>
> Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
>
> Direct loans pursuant to Section 202 of the Housing Act of 1959; or
>
> Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
>
> Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
>
> A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a Housing Authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANDARD UNIT. Substandard housing is a dwelling that is dilapidated and does not provide safe, adequate shelter and it endangers the health, safety and well-being of the occupants.

SUSPENSION/TOLLING. Stopping the clock on the term of a family's voucher, for such period as determined by the Housing Authority, from the time when the family submits a request for Housing Authority approval to lease a unit, until the time when the Housing Authority approves or denies the request.

TENANCY ADDENDUM. In the lease between the tenant and the owner, the lease language required by HUD.

TENANT. The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

TENANT RENT. The amount payable monthly by the family as rent to the unit owner.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a Housing Authority or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

VETERAN. A person who has been discharged or released from active duty in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable discharge including “clemency discharges.”.

VIOLENT CRIMINAL ACTIVITY. 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.

VOUCHER HOLDER. A family holding a voucher with an unexpired term (search time).

VOUCHER PROGRAM. The Housing Choice Voucher program.

WAITING LIST ADMISSION. An admission from the Housing Authority waiting list.

WAITING LIST. A list of families organized according to HUD regulations and Housing Authority policy who are waiting for subsidy to become available.

WELFARE ASSISTANCE. Income assistance from Federal or State welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families.

C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE

CHILD. A member of the family other than the family head or spouse who is under 18 years of age.

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

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

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NONCITIZEN. A person who is neither a citizen nor nation of the United States.

PHA. A housing authority- either a public housing agency or an Indian housing authority or both.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the Housing Authority).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant