

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, a social worker, or other reliable third party which states the need for a Live-In Aide, and a Live-In Aide must have been identified and approved by the housing authority. The participant encouraged to utilize the HCV ***Live-In Aide Verification Form***, stating the need for a Live-In Aide. This documentation 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 may** 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- (not applicable to Emergency Housing Voucher program applicants).

- 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. (not applicable to Emergency Housing Voucher program applicants)
- 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. (not applicable to Emergency Housing Voucher program applicants).
- The PHA will check criminal history for all adults in the household to determine whether any member of the family has violated any violent criminal activity regulations.
- The PHA will prohibit admission if any member of the household is subject to a lifetime registration requirement under a ~~S~~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*** or other comparable documentation completed by a Licensed Medical Practitioner, a social worker, or other reliable third party. This form must state that the participant needs a Live-In Aide who will be in the home on a nightly basis. This documentation must be updated each year at the Annual Recertification.

When the Housing Authority has received the signed ***Section 8 Live-In Aide Form or comparable documentation***, 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 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 applications. The first is the preliminary application for assistance (previously referred to as a questionnaire). This first application results in the family's placement on the waiting list.

The second application 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
KAFX - 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.

The wait list 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 successful lottery~~ applicants to the waiting list by ~~separating the new applicants into groups based on preferences and ranking applicants within each group according to -by date and time of preliminary application-~~ Randomly their randomly assigned lottery number and any local preferences they have claimed on their 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 preferences, 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. All application documents ~~Translations~~ will be provided in Spanish. Translation services are available upon request to the Housing Authority

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~~ entry into the waiting list lottery. Ineligible families will not be entered into the lottery or 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~~ removed from the waiting list.

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

If a letter is returned by the Post Office 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~~may be required to participate in a full application interview with a Housing Authority representative. ~~During the~~ application 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 may utilizes ~~the a~~ 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~~may 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. Application interviews may be held via telephone, in person, or via alternative digital communication methods (i.e. ZOOM, Microsoft Teams, WebEx)

When requested by the Housing Authority, Aall adult family members are required to attend the interview. All adult family members are required~~and to~~ 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 selected from ~~the~~ waiting lists 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. An applicant does not need to be eligible for local preferences in order to be eligible for assistance.

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 LISTS [24 CFR 982.204]

Housing Choice Voucher (HCV) and Mainstream Voucher Programs

The Housing Authority uses a single waiting list for admission to its HCV and Mainstream Voucher tenant-based assistance programs. The Housing Authority may opt to accept only the number of applicants who may be expected to be reached within one year in accordance with the policies outlined within this Chapter. Applicants who will be placed on the waitlist will be selected by random lottery. All applicants will be notified of their waitlist status within a reasonable time after waitlist close in accordance with the policies included in Chapter 3.

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

Emergency Housing Voucher Program

The Housing Authority uses a single waiting list for admission to its Emergency Housing Voucher (EHV) waitlist. All applicants admitted to the EHV waitlist must be referred by the Sonoma County Coordinated Entry System. The Housing Authority may opt to accept only the number referred who may be expected to be reached within a three month period.

Eligibility for the Emergency Housing Voucher (EHV) program is limited to individuals and families who are (1) homeless¹; (2) at risk of homelessness²; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. [PIH 2021-15 (HA)]

Applicant Information for Waitlist

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

The waiting lists includes, but ~~is~~ are not limited to, collecting and maintaining the following information for each applicant listed:

Applicant Name

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

Randomly assigned applicant identification number

Qualification for any preferences administered locally

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

¹ The meaning of "homeless" is as such term is defined in section 103(a) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11302(a)), which is codified in HUD's Continuum of Care Program regulations at 24CFR 578.3

² The meaning of "at risk of homelessness" is as such term is defined in section 401(1) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11360(1)), which is codified in HUD's Continuum of Care Program regulations at 24CFR 578.3

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. HCV LOCAL PREFERENCES [24 CFR 982.207]

In addition to a randomly assigned applicant number, the Housing Authority has preferences used to select families from the wait list when families eligible for such preferences are present on the waitlist. 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 how it affects applicant 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 has adopted the following preference system:

- a. In-Place Preference. During times when overall program lease-up is below 95%, 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 property manager certifies that he/she 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 during times of low lease-up. Required documentation will include a letter from the property manager 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. (Rev 2019)

- b. In-Place Homeless Prevention Super Preference. Subject to the availability of Annual Contributions Contract authorized voucher units, an absolute preference for Housing Choice Vouchers will be made available for in-place occupants when the unit they are residing in is subject to the loss of affordability restrictions or a subsidy tied to a specific facility or unit and the loss of the restriction or subsidy places the occupant at imminent risk of losing stable housing and/or becoming homeless. In order for an applicant to be eligible for this super preference, the Housing Authority must receive notification from a local municipality or partner agency of the Sonoma County Community Development Commission (“Commission”). All notifications are subject to Commission determination that the loss of stable housing and/or homelessness for in-place resident(s) is eminent.

This preference will also apply to in-place, 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 or whose rental assistance is being terminated due to insufficient funding of other rental assistance programs funded through the Sonoma County Continuum of Care.

- c. Other Preference. Preference points will be granted to applicants with household members in the following groups. Preference points are cumulative.
- Seniors (1)
 - Persons with disabilities (1)
 - Persons with disabilities who are transitioning out of a mental health care institution or other segregated settings or at serious risk of institutionalization. (1)
- d. Homeless Preference. To promote ending homelessness, and 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. Eligible families referred through this program will be granted an absolute preference on the Housing Authority Waiting List. Referred applicants

must meet Housing Authority income and other eligibility requirements and be drawn from the waitlist.

- e. Move On Allocation. Contingent upon funding, the Housing Authority will allocate up to 20% of its annual turn-over 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 by the supportive services provider to be 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. Applicants referred for this program must be drawn from the waitlist and will be given an absolute preference. At its discretion, the Housing Authority will annually evaluate whether to renew this preference. Referrals will be taken from an approved PHA third party who have verified Permanent Supportive Housing units.

- 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 an approved partnering agency who has entered into an agreement with the Sonoma County Probation Department or other law enforcement agency. Referred applicants 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 or release from incarceration as indicated in Section 15.A. This reentry pilot program proposes to allow approximately 45 individuals to participate in the Housing Choice Voucher program as a newly admitted household (See Section 4.3) over a three year period ending December 31, 2022, at which time the Housing Authority will evaluate the program and the program may convert from a pilot to an on-going preference or be terminated based upon outcomes recorded. 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 Pilot Program.

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

In those instances when a family assisted under the HCV, Mainstream or EHV 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 imminent 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.

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 unauthorized side agreements. Families and owners will be advised of the prohibition of unauthorized 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, Housing Authority Manager, Assistance Executive Director, 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 related by either blood or marriage. 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.

B. 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

C. 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.

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

The Housing Authority conducts an inspection in accordance with Housing Quality Standards at least biennially and 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 or comparable locking mechanism 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.

E. MOVE OUT/VACATE

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

F. 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.

G. 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 who did not conduct the initial inspection. The purpose of a Quality Control inspection 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.

Quality Control inspections will be conducted periodically throughout the year and include a sampling of files from recently completed inspections (within the prior three months), representative of a cross-section of neighborhoods, and a cross-section of inspectors.

H. 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.

I. 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.

J. 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.

K. 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 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.

- If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing
- If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

Should a PHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the PHA must immediately terminate assistance for the household member.

In this situation, the PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must terminate assistance for the household.

The Housing Authority must deny admission for three years if any member of the family has been evicted from federally assisted housing for drug-related criminal activity. The Housing Authority may admit the applicant in accordance with the informal review procedures included in Chapter 19 and the applicant(s) has successfully completed a supervised drug rehabilitation program or the circumstances leading to the eviction no longer exist.

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: (not applicable to the Emergency Housing Voucher program during initial eligibility determination).
- If any Housing Authority has terminated assistance under the program for any member of the family within the past 5 years: (not applicable to the Emergency Housing Voucher program during initial eligibility determination).
- 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. (not applicable to the Emergency Housing Voucher program during initial eligibility determination).

- 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. (not applicable to the Emergency Housing Voucher program during initial eligibility determination).
- 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.)~~ (not applicable to the Emergency Housing Voucher program during initial eligibility determination).
- The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel. (for Emergency Housing Voucher program - applicable for 12 months prior to date of initial application)

"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 an informal 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 have been convicted of 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 has abused alcohol in a way that has interfered 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.

Confidentiality of Criminal Records

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 includes all of the following:

- 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 owed, 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 of 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 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. With HUD's approval, an additional 10% of the Housing Authority's Annual Contributions Contract (ACC) units may be made available under the Project Based Voucher program for units which are exclusively available to families eligible for supportive services or units exclusively available to elderly families. 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 20 years plus the allowable maximum 20 year extension pending the availability of funding. 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 983, and the Housing Opportunity Through Modernization Act (HOTMA) of 2016 which outline 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. PBV assistance in any PBV project may not exceed the greater of 25 units or 25% of the units in any PBV project (see glossary for definition of project). If a project has 25 or fewer units, the Housing Authority may place every unit in the project under the PBV HAP contract. Other exceptions to the project limit may be available under any of the following circumstances:

- Project consists of single family dwellings (four or fewer units)
- Dwelling units are specifically designated for elderly families
- Dwelling units are specifically designated for veterans
- Dwelling units are designated for families requiring supportive services. Supportive services offered must be clearly identified and reasonably available to assisted residents

for a period of no less than one year beginning the first day of each resident's tenancy. PBV assisted residents are not required to participate in supportive services.

- Dwelling units are specifically designated for families which meet the definition of homeless under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR §578.3.
- Project is in a census tract with a poverty rate of less than 20% (may be subject to a PBV cap of up to 40%)

Exception categories are further defined in Part G of this Chapter.

Note: For purposes of this Chapter the term "Owner" and "PBV Owner" are used interchangeably and both refer to "PBV Owner" as defined in the glossary.

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.

Non competitive award procedure in accordance with the provisions of this Chapter.

B. PROCESS FOR SELECTING PBV UNITS BY MEANS OF A REQUEST FOR PROPOSALS (RFP)

Advertising Procedures

The Housing Authority will advertise on its website and 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 in a newspaper of general circulation one time and will remain on the Housing Authority's website until such time that the application period is closed. The notice will include the following information:

- Number of vouchers the Housing Authority will make available under the PBV program.
- Number of units in a project 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 20 days after the published date of advertisement).ⁱ
- 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 20¹ days after the publication 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 at any time during the term of the PBV HAP contract without engaging in a competitive process. If PBVs are added to a contract utilizing this method, public notice will be made in accordance with the Notice of Award of Funding provision included within this Chapter.

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 9% low-income housing tax credit (LIHTC) or other comparable LIHTC
- 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 do all of the following:

- Demonstrate that the financial analysis of the earlier competitive selection proposal demonstrated project feasibility without PBV assistance.
- Clearly document the PBV proposal to 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.

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 of the RFP and the Administrative Plan 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.

D. 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
- Units are Located Outside Areas/Census Tracts of Minority or Poverty Concentration as defined by HUD
- Design exceeds the requirements for ADA accessible units identified in 24 CFR § 8.22 and 24 CFR 983
- Design meets the requirements for Design and Construction in 24 CFR § 100.205

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; and
 - 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; and
 - 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. Financing Plans which are dependent upon future awards of funding from the Sonoma County Community Development Commission through a competitive process are not eligible (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. In cases of existing housing the responsible entity (“RE”) must determine whether or not PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5.
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. For existing and rehabilitation projects, the owner must have an accessibility survey completed for the property. Accessibility survey should include all common areas and areas available to the general public, all walkways, parking areas, and units designated as accessible. If deficiencies exist a transition plan must be submitted.
6. 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. 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.

Vacancy Payments [24 CFR 983.352(B)]

At the discretion of the Housing Authority, the HAP contract may provide for vacancy payments to the owner for a Housing Authority-determined period of vacancy extending from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the moveout month. The amount of the vacancy payment to the owner will be equal to the contract rent in effect at the time of the vacancy for a period not to exceed 60 days. The HAP contract with the owner will contain the terms under which vacancy payments will be made.

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 & Waitlist Organization

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 centrally maintain project-specific waitlists for developments with project based vouchers. During times of open waitlist, applicants will be selected for placement on each waitlist according to a random lottery. Placement on the waitlist will be assigned utilizing randomizing software. When vacancies in project based units occur, tenants will be selected according to their assigned waitlist position. Those with preferences as identified in Chapter 4 of this Administrative Plan, will be referred first and in order of their waitlist position. 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 in the order of their position on the waitlist. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

In the event that a clerical error is made by the PHA’s and an applicant is selected in the lottery for a bedroom size specific waitlist, an applicant may be offered the correct size unit at the same property if available (i.e. a family that would be eligible for a 2 bedroom unit is mistakenly placed on the waitlist for a 1 bedroom unit). If the PBV complex has a 1 bedroom unit available, the family may be offered assistance in the correct size PBV unit.

In the event that the family size changes due to birth, adoption, court awarded custody or death of a family member while the family is on the waitlist, the Housing Authority may place the family on the appropriate size waitlist upon request.

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 appropriate PBV waiting list. If there are vacant or turnover units specified for a specific population (i.e. disabled or elderly, household size) and there are no applicants on the PBV waitlist needing that type of unit, the Housing Authority may draw names from its Section 8 waitlist. At times the Housing Authority HCV and PBV waitlists are open simultaneously, the Housing Authority must ensure that applications for all open waitlists are made available.

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).

Utilizing Coordinated Entry System as Waitlist

In addition to site-based waiting lists for each PBV property, the Housing Authority shall maintain a separate wait list for units designated for assistance through the Continuum of Care's Coordinated Entry System (CES). These units are required to be used to house homeless families that are in the CES for housing assistance referral. When vacancies occur at the PBV properties in these designated units, the owner shall request a suitable referral from the Coordinated Entry System. Once the owner has reviewed the application and accepted the referral for housing assistance, the owner shall refer the family to the Housing Authority's initial eligibility team for program eligibility determination and leasing. Families will only be placed on this waiting list if they are deemed suitable for occupancy by the owner and immediately processed for intake.

This waiting list will not have a preference designation since all additions to the list will immediately be designated for specific units within the PBV portfolio. The only qualifier will be the date and time of the applicant's addition to the CES wait list.

PBV Units ~~eligible for utilizing~~ -CES ~~for waitlist referrals assistance and priority~~ are as follows:

- Palms Inn Apartments – 3345 Santa Rosa Avenue, Santa Rosa, CA
- Windsor Veterans Village – 9500 Oak Park Street, Windsor, CA

Note: This list may be modified from time to time to reflect new units added to the CES portfolio with PBV designations

Disapproval By Landlord [24 CFR 983.251(E)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection shall not affect the family's position on the tenant-based voucher waitlist or any other PBV waitlists. Rejection

by the PBV owner, however, shall be grounds for removal from the PBV site-based waitlist. Upon request, the owner shall provide the Housing Authority with the basis for which an applicant was denied admission.

Moves

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.

Exception Categories:

1. **Homeless**. The units are specifically made available to house individuals and families who meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR §578.3. The definition of homeless is included below for convenience:¹
 - (i) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - An individual or family living in a supervised publicly or

privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

- An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(ii) An individual or family who will imminently lose their primary nighttime residence, provided that:

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;

(iii) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 1437e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

- Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
- (iv) Any individual or family who:
- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
 - Has no other residence; and
 - Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.
2. Veterans. The units are specifically made available to house families that are comprised of or include a veteran. A veteran is an individual who has served in the United States armed forces.
3. Supportive services. The units provide supportive housing to persons with disabilities or to elderly persons. For the purpose of this exception, supportive housing means: A project that makes supportive services available for all of the assisted families in the project and provides a range of services tailored to the needs of the residents occupying such housing. Such services may include (but are not limited to):
- meal service adequate to meet nutritional need;
 - housekeeping aid;
 - personal assistance;
 - transportation services;
 - health-related services;
 - case management;

- child care;
- educational and employment services;
- job training;
- counseling; or
- other services designed to help the recipient live in the community as independently as possible.

Note: In accordance with 24 CFR §983.354, with the exception of an assisted living facility, the owner of a PBV project may not require the assisted family to pay charges for meals or supportive services, and non-payment of such charges by the family is not grounds for termination of tenancy. In the case of an assisted living facility (as defined in 24 CFR §983.3) receiving PBV assistance, owner may charge families for meals or supportive services. These charges may not be included in the rent to owner or the calculation of reasonable rent.

4. Poverty rate of 20 percent or less. The units are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey 5-Year Estimates. A project that qualifies for the increased project cap at the time of HAP contract execution continues to qualify for the exception for the length of the contract regardless of changes in the poverty rate for the census tract in which the project is located.
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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)
RCF	Residential Care Facility
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.

DOMESTIC VIOLENCE. includes felony or misdemeanor crimes of violence committed by: a.) a current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship), b.) a person with whom the victim shares a child in common, c.) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, d.) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or e.) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, 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.

HUMAN TRAFFICKING. Human trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102).

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.

PBV OWNER. Any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations, except where a mortgagee holds legal title to property serving as collateral for a mortgage loan, in which case the owner would be the mortgagor

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. A single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Single family homes, duplexes, triplexes, and four-plexes may constitute a project.

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.

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.

RESIDENTIAL CARE FACILITY. A non-medical facility that provides room, meals, housekeeping, personal care assistance, etc.

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 ASSAULT. means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

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.

STALKING. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress.

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